FORWARDED BY ORDER OF THE LIEUTENANT GOVERNOR OF BENGAL

THE

CRIMINAL JUSTICE REPORT

OF

LOWER BURMA

FOR

THE YEAR 1887.

BENGAL SECRETARIAT LIBRARY.

RANGOON:

PRINTED BY THE SUPERINTENDENT, GOVERNMENT PRINTING, BURMA.

1888.

TABLE OF CONTENTS.

RESOLUTION BY THE CHIEF COMMISSIONER.

	Para.	Page.
Offences reported during the year	1	1
Percentage of true to reported cases	2	ib.
Security for good behaviour	3	ib.
Persons under trial during year	4	ib.
Work disposed of by Honorary Magistrates	5	3
Work performed by Sessions Court	6	ib.
Statistics of punishments	7	4
Appeals disposed of	8	ib.
Acknowledgment of services	9	5

ANNUAL REPORT.

PART I.

COURTS EXERCISING JURISDICTION IN THE TOWN OF RANGOON.

Special Court of Lower Burma.

	Para.	Page.
Appeals instituted and pending	1	1
Case referred by Additional Recorder under section 60 of the Burma Courts Act	2	ib.
Cases referred under section 76 of the Burma Courts Act	3	ib.

Court of the Recorder of Rangoon.

Cases committed to Court of Recorder as Court of Session and as High Court	1	3
Courts from which committed	2	ib.
Disposal of cases	3	ib.
Punishments inflicted	4	ib.
Confirmation of sentence	5	4
Appeals to Special Court	6	ib.
Appeals from findings of Magistrates	7	ib.
Cases tried by Court as a High Court	8	ib.
Criminal miscellaneous applications	9	ib.
Criminal references	10	ib.
Abstract of criminal work of Court	11	ib.
Trial of European British subjects	12	ib.
Presiding officers of Court	13	ib.

The Magistrates' Courts.

Bailable and non-bailable offences	14	5
Results of year compared with previous year	15	ib.
Fluctuation of graver crimes	16	ib.
Increase of hurt cases	17	6
Less serious crime	18	ib.
Variations between breach of local rules and all other cases	19	ib.
Increase in drunk and disorderly cases	20	ib.
More serious offences	21	ib.
Statistics of violent crime	22	ib.
Offences against property with violence	23	7
Offences against property without violence	24	ib.
Increase in percentage of convictions	25	ib.
Work performed by Magistrates	26	ib.
Percentage in Junior Assistant Magistrate's Court	27	ib.
Punishments inflicted by Magistrates	28	8
Security for good behaviour	29	ib.
Detention of witnesses and average duration of cases	29(a)	ib.
Improvement on 1886	30	ib.
Shipping casualties	31	ib.
Magistrates of Rangoon Town during the year	32	9
Submission of report and returns	33	ib.
Framing of report	34	ib.

PART II.

COURTS UNDER THE SUPERVISION OF THE JUDICIAL COMMISSIONER.

Submission of criminal justice returns	1	11
Offences reported	2	ib.
Increase and decrease	3	ib.
True offences compared with previous year	4	14
Principal offences against the person and property	5	16
Security for good behaviour	6	18

CONTENTS.

	Para.	Page.
Native Magistrates	7	18
Magistrates empowered to try cases summarily	8	19
Extent to which Magistrates used their summary powers	9	ib.
Cases tried under the Lower Burma Gaols Delivery Act	10	20
Punishments inflicted under the Lower Burma Gaols Delivery Act	11	21
Work of Honorary Magistrates	12	22
Results of enquiries and trials before Magistrates	13	23
Commitments to Sessions	14	24
Sentences passed in Sessions Courts during passed two years	15	ib.
Punishments inflicted in Sessions and Magisterial Courts...	16	ib.
Fines and compensation	17	27
Detention of witnesses in Magisterial Courts	18	28
Average duration of cases	19	ib.
Duration of cases calculated from day of commitment	20	29
Appeals disposed of	21	ib.
Results of appeals	22	ib.
References to Judicial Commissioner under section 374, C. P. C.	23	31
References to Judicial Commissioner under section 438, C. P. C.	24	32
Revision work by Sessions Judges and Magistrates	25	34
Financial results of rules regulating fees chargeable for service of process	26	35
Inspection	27	ib.
Charge of office	28	36

APPENDICES.

	Page.
No. 1 (Criminal).—Statement showing the number of judicial divisions and the number of officers exercising appellate or original jurisdiction in Lower Burma on the last day of the year 1887 with the cost of tribunals ...	ii.
No. 2 (Criminal)—Statement of offences reported and of persons tried, convicted, and acquitted of each class of offence of Lower Burma in the year 1887 ...	iii.
No. 2A (Criminal).—Statement showing the general result of the trial of European British subjects in Lower Burma in the year 1887	iv.
No. 3 (Criminal).—Statement of miscellaneous proceedings under the Criminal Procedure Code in Lower Burma during 1887	v.
No. 4 (Criminal).—Statement showing the general results of criminal trials in the tribunals of various classes in Lower Burma in the year 1887	vi.
No. 5 (Criminal).—Statement showing the punishments inflicted by the various criminal tribunals in Lower Burma in the year 1887	vii.
No. 5A (Criminal) Part I.—Statement showing the whippings inflicted under sections 2 and 3, Act VI of 1864, in lieu of other punishments in Lower Burma for the year 1887	viii.
Part II.—Statement showing the whippings inflicted in addition to other punishments, sections 3 and 4, Act VI of 1864, in Lower Burma for the year 1887	ib.
Part III.—Statement showing the whippings inflicted under section 5, Act VI of 1884, on juveniles for offences other than those specified in Parts I and II in Lower Burma for the year 1887	x.
Part IV.—Statement showing the relative number of times whipping was awarded as compared with other punishments in Lower Burma for the year 1887	ib.
No. 6 (Criminal).—Statement showing the result of appeal and revision in criminal cases in Lower Burma in the year 1887	xi.
No. 13 (Criminal)—Statement showing the use of jurors and assessors in the Criminal Courts in Lower Burma in the year 1887...	xii.

BENGAL SECRETARIAT LIBRARY

RESOLUTION

ON

THE CRIMINAL JUSTICE REPORT

OF

LOWER BURMA

FOR

THE YEAR 1887.

Extract from the Proceedings of the Chief Commissioner, Burma, in the Judicial Department,—No. 94C., dated the 14th July 1888.

READ—

Reports on the administration of criminal justice in Lower Burma during the year 1887.

RESOLUTION.—The total number of offences reported in 1887 was 49,382 as against 46,121 in 1886. The increase took place almost entirely in petty crime. Crime of the most serious character, namely, dacoity, robbery, and offences against the State, decreased considerably. There was probably an intimate connection between the decrease in serious and the increase in unimportant crime. In 1886 the country was in many parts overrun by gangs of rebels and marauders. During 1887 the character of serious crime underwent a change. No political risings of any importance took place, and the robberies and dacoities which were committed were generally the work of small gangs. These changes are reflected in the criminal statistics of the year. The number of offences against the State fell from 184 to 15, the number of robberies and dacoities from 2,894 to 2,150. On the other hand the police had more time to spare for dealing with petty crime, and consequently there was an increase of upwards of 2,000 in the number of offences under special and local laws. The large increase in the number of cattle-thefts from 1,420 in 1886 to 2,000 in 1887 in the area of the Judicial Commissioner's jurisdiction is an unsatisfactory feature of the year's report. The increase may be due in part to the diminution in robbery and dacoity. But nevertheless it demands the serious attention of Magistrates. As the Judicial Commissioner points out cattle-theft is a most pernicious form of crime among an agricultural people, whose capital is largely invested in cattle. The Chief Commissioner desires that District Officers will spare no efforts to check this crime. The energies of the police should be particularly directed to its suppression, and Magistrates should make a point of inflicting severe punishments. The prevalence of cattle-theft in a particular district is often due to the existence of criminal organizations which have established regular systems of stealing and disposing of cattle. The detective abilities of the police cannot be better employed than in discovering and breaking up such organizations. The Chief Commissioner fully concurs in the Judicial Commissioner's remarks on the subject of prosecutions under special and local laws. It is not desirable that the police should devote an inordinate amount of their time to the prose-

cution of petty offences. The statistics of offences of this class in the Henzada district call for special remark. The number reported rose from 1,496 in 1886 to 2,686 in 1887, being an increase of 79·55 per cent. In the absence of any special explanation of this large increase it seems probable that the Henzada police paid an unnecessary amount of attention to unimportant crime during 1887. The Judicial Commissioner is requested to enquire into the causes of the sudden increase and to issue such instructions to the District Magistrate as may be found to be necessary.

2. The percentage of true to reported cases rose from 93·48 in 1886 to 94·2 in 1887. The Chief Commissioner is glad to learn that the Judicial Commissioner has given special attention to the supervision of the action of Magistrates in distinguishing between true and false cases. It seems probable, however, that the procedure in all districts is not yet correct. The abnormal variations between the figures of adjoining districts which attracted attention in last year's report are reproduced to a smaller extent in the figures of the present report. In Hanthawaddy, Tharrawaddy, and Thayetmyo the number of cases rejected as false was still far smaller than the number so rejected in other districts of the same class. In the Kyaukpyu and Salween districts, on the other hand, the number of cases rejected was abnormally large. These variations can hardly be accounted for altogether by the idiosyncrasy of particular Magistrates. It seems more probable that the practice of Magistrates in the districts which return an unusually large or an unusually small number of false cases is not in accordance with correct procedure. The Chief Commissioner thinks it would be well if the Judicial Commissioner were to make further enquiry into the matter.

3. The number of persons called on to give security to be of good behaviour increased from 2,507 in 1886 to 2,718 in the year of report. The Chief Commissioner fully agrees with the Judicial Commissioner that cases of this kind should be tried in the place where the accused person and the witnesses cognizant of his character reside. In the Resolution on police administration the Chief Commissioner has expressed his views as to the conclusions to be drawn from the large increase in the number of prosecutions under the preventive law, and as to the measures necessary to control the action of the police in instituting prosecutions.

4. The total number of persons under trial in 1887 was 66,766 as against 66,451 in 1886. There was a considerable increase in the number of persons tried by stipendiary Magistrates sitting singly, and a decrease in the number of persons tried by all other Courts taken together exclusive of those of special Magistrates. The variations in numbers are probably due to the diminution in serious crime and the consequent decrease in the number of persons brought before Courts of Session and Deputy Commissioners. The percentage of acquittals and convictions in Courts of all kinds was 34·77 and 60·44 as against 35·57 and 60·49 in 1886. There were small variations in the percentages of convictions in Courts of different kinds. If the number of persons pending trial at the close of the year is excluded, there was an improvement in the percentage of convictions in Courts of stipendiary Magistrates, the figures being 58·99 in 1886 and 59·04 in 1887, and in the Courts of Chief Magistrates of districts in which a per-

centage of 51·23 convictions was obtained as against 48·41 in 1886. As a large majority of the more serious offences are tried by the Chief Magistrates of districts the improvement in the percentage of convictions in their Courts is an indication of greater success in dealing with serious crime. The police were able to pay more attention to the detection of crime in 1887 than in 1886, when the disturbances which occurred left them little time for any work except that of fighting dacoits. But a proportion of convictions of only a little more than half the number of persons taken into District Magistrates' Courts is not in itself very satisfactory. The number of witnesses examined was slightly larger than in 1886 and the average duration of cases was seven days as against six days in 1886. The increase in the average duration of cases was probably an accidental fluctuation.

5. There was a considerable decrease in the amount of work disposed of by Honorary Magistrates. The decrease took place in Rangoon, where only 4,086 persons were tried by Honorary Magistrates as against 7,022 in 1886, and in Moulmein, where the number tried fell from 2,132 to 1,391. In the rest of the province there was an increase in the amount of work disposed of by these Magistrates. The increase took place principally in Henzada, where 1,558 persons were tried by Honorary Magistrates as against 189 in 1886. The Chief Commissioner is glad to notice that the remarks made in last year's Resolution on the necessity for employing the services of Honorary Magistrates more largely in Henzada have borne fruit. The large decrease in the number of persons tried by Honorary Magistrates in Rangoon and Moulmein is not satisfactory. As has been remarked on previous occasions Benches of Honorary Magistrates are the best tribunals for trying petty offences. Hence it is particularly desirable that their services should be utilized as far as possible in large towns where a considerable proportion of the persons brought to trial are prosecuted for offences of this description. Burman gentlemen show a readiness to assist Government in the disposal of criminal business which does much credit to their public spirit, and it is the duty of District Magistrates to see that full use is made of the assistance which they are ready to give. The Chief Commissioner has read with much pleasure the Judicial Commissioner's testimony to the efficiency of Honorary Magistrates. The success which has attended the employment of Burman gentlemen as Honorary Magistrates during the last seven years supports the view which is held by many experienced officers that an extension of the system of employing non-official tribunals to dispose of petty criminal cases will be acceptable to the people and will strengthen the hands of the administration.

6. There was a considerable diminution in the work performed by Sessions Courts. The number of persons committed to Sessions decreased from 1,840 in 1886 to 1,573 in 1887. The decrease corresponds to the decrease which took place in robbery and dacoity. As in 1886 a considerable portion of the work usually performed by Sessions Judges was in 1887 performed by Magistrates exercising powers as Additional Sessions Judges under the Burma Gaols Delivery Act. The nature of this Act, which lapsed on the 30th June 1887, was explained in the Resolution on last year's report. There was a falling off in the percentage of convictions obtained in Sessions Courts subordinate to the Judicial Commissioner as compared with the percentage of 1886, the figures being 64·22

in 1886 and 60·54 in 1887. This falling off took place in the Irrawaddy and Tenasserim divisions. In Arakan and Pegu there was an improvement. The poor results obtained in Irrawaddy are not creditable to the police or subordinate Magistrates. From the Judicial Commissioner's remarks it appears that in this division cases are frequently committed for trial on plainly insufficient evidence. This practice is most reprehensible as it increases unnecessarily the work of Sessions Judges and causes needless inconvenience to all the persons, accused, complainants, and witnesses, who are connected with the cases committed. Sessions Judges should be careful to check any tendency to commit recklessly which they may notice in subordinate Magistrates. In connection with the large falling off in the percentage of convictions in the Irrawaddy division it must be borne in mind that over 200 criminals were pardoned without trial in the Bassein and Henzada districts. The circumstances under which these persons were pardoned are explained in the Police report. Had the law been suffered to take its course, there would probably have been a sensible increase in the percentage of convictions.

7. The statistics of punishment bear testimony to the more tranquil condition of the country in 1887 than in 1886. Capital sentences fell from 66 to 39, sentences of forfeiture of property from 55 to 6, and sentences of transportation from 1,450 to 965. Sentences of simple imprisonment, on the other hand, rose from 232 to 355. The number of sentences of rigorous imprisonment and of whipping were almost the same in 1886 and 1887. The remarks of the Judicial Commissioner on the subject of whipping have the full concurrence of the Chief Commissioner. The percentage of whippings to other punishments in Magisterial Courts was in most districts from 3 to 4. The Chief Commissioner agrees with the Judicial Commissioner that this percentage is unduly low. Not only is whipping in many cases the most suitable punishment for several classes of offences, but at the present time, when the increase of crime and the annexation of Upper Burma have filled the jails of the province to overflowing, it is a peculiarly appropriate punishment. The Chief Commissioner will be glad if the Judicial Commissioner will insist on Magistrates making a sufficient use of this form of punishment. There was a slight increase in the amount of fines imposed and realized. The remarks made by the Judicial Commissioner in paragraph 17 of his report on the necessity for proportioning the amount of a fine to the means of the criminal and for granting compensation liberally out of fines imposed are commended to the attention of Magistrates.

8. The number of appeals disposed of in 1887 was slightly larger than the number disposed of in 1886. The percentage of appeals in which the sentence of the original Court was upheld was 72·80 as against 73·65 in 1886. As in former years the percentages of sentences reversed or altered and of sentences upheld varied largely in various districts. The explanation given by the Judicial Commissioner, namely, that appeals are more numerous in some districts than in others, and that in districts where appeals are few only the worst cases are appealed, accounts to a certain extent for these variations. At the same time the Chief Commissioner fears that District Magistrates do not always exercise their appellate powers with discretion. Even when allowance is made for the cause referred to above, the percentage of reversions in some districts is so high as to

suggest the inference of unnecessary interference. Thus in Amherst in only 37 per cent. of 33 appeals coming before the District Magistrate were the original sentences upheld, while in the adjoining district of Shwegyin the original sentences were upheld in 62 per cent. of 40 such appeals. Again, in 24 appeals presented to the District Magistrate of Hanthawaddy only 43 per cent. of the original sentences were upheld, while in 34 presented to the District Magistrate of Pegu 76 per cent. of the original sentences were upheld. The fact that so careful a Magistrate as Mr. Irwin found it necessary to reverse the sentences on only seven persons gives ground for the conclusion that a high percentage of reversions more often indicates perfunctory work on the part of the Appellate Judge than any exceptional shortcomings in the work of the subordinate Magistrates. The Chief Commissioner desires to again impress on District Magistrates the necessity for care in the exercise of appellate powers.

9. The Chief Commissioner is glad to learn from the Judicial Commissioner's report that during the year under review increased attention was paid by Sessions Judges and District Magistrates to the work of inspection. The Chief Commissioner's acknowledgments are due to the officers mentioned by the Judicial Commissioner for the good work done by them. The Chief Commissioner also desires to thank the Judicial Commissioner for the support which he has continued to afford to the Administration as well as for the care and labour which he has devoted to the work of inspection, and for the improvements which he has introduced in the system of keeping judicial accounts, registering previous convictions, and filing records.

By order of the Chief Commissioner,

H. THIRKELL WHITE,

Secretary.

THE

CRIMINAL JUSTICE REPORT

OF

LOWER BURMA

FOR

THE YEAR 1887.

PART I.

Courts exercising Jurisdiction in the Town of Rangoon.

SPECIAL COURT OF LOWER BURMA.

THE following table shows the number of appeals instituted and pending, and their result :—

Court from which appeal preferred.	Number of persons whose appeals were pending from last year.	Number of persons who appealed during 1887.	Result.			
			Rejected.	Dismissed.	Reversed.	Pending.
Court of the Recorder of Rangoon exercising the powers of a Court of Session.	2	20	18	1	1	2
Court of the Recorder of Rangoon exercising the powers of a High Court.	...	2	2	...	...	...
Total ...	2	22	20	1	1	2

2. One capital sentence passed by the Additional Recorder of Rangoon exercising the powers of a Court of Session was referred to this Court under section 60 of the Burma Courts Act (XVII of 1875) and was confirmed.

3. There were three references made to the Court under section 76 of the Burma Courts Act (XVII of 1875),—one by the Judicial Commissioner, one by the Recorder, and the other by the Additional Recorder of Rangoon, the particulars of which are as follows :—

(*a*) In the first case the question referred was "Whether the Excise Act of 1881 is in force in the Arakan Hill Tracts?" This was answered in the affirmative.

(*b*) In this case the local Government appealed from the judgment of the District Magistrate of Hanthawaddy acquitting the respondent under sections 25 and 26 of the Railway Act. It did not appear from the proceedings whether the accused was asked whether he was an European British subject or not, and he did not claim to be dealt with as such. The Recorder referred the question "Whether the Court of the Recorder has jurisdiction

to entertain the appeal." The Special Court held that the Magistrate was wrong in not enquiring whether the accused was an European British subject. The case was ordered to be sent back to the Magistrate for enquiry.

(*c*) In this case the accused was committed to the Court of the Recorder sitting as a Court of Session for trial by the Magistrate of Rangoon for an offence committed in the Kingdom of Siam. The Additional Recorder, before whom the case came, found upon looking into the record that there was no evidence whatever that the accused was a British subject, and was of opinion that the commitment should be quashed and for that purpose referred it to this Court. The Special Court held that it had no jurisdiction in the matter and that the Recorder or Additional Recorder had power under section 61, Burma Courts Act, to quash the commitment.

RANGOON:
The 13th March 1888.

W. F. MERES,
R. S. T. MACEWEN,
Judges of the Special Court of Lower Burma.

COURT OF THE RECORDER OF RANGOON.

Report on the Administration of Criminal Justice in the Courts of the Recorder and Magistrates of Rangoon for the year 1887.

DURING the year 41 cases were committed to this Court as a Court of Session and seven as a High Court.

2. The following table shows the different Courts from which the commitments were made during the year in comparison with the previous year :—

By whom committed.	1886.			1887.		
	As a Court of Session.	As a High Court.	Total.	As a Court of Session.	As a High Court.	Total.
Junior Assistant Magistrate	16	...	16	17	...	17
Assistant Town Magistrate	18	1	19	20	3	23
District Magistrate, Rangoon Town	4	...	4	4	1	5
District Magistrate, Henzada	...	...	...	...	1	1
District Magistrate, Thôngwa	...	...	...	...	1	1
District Magistrate, Shwegyin	...	...	...	...	1	1
Total ...	38	1	39	41	7	48

Of these 48 cases 47 were disposed of and one was pending at the close of the year.

3. The following table shows the number of persons sentenced and acquitted by this Court as a Court of Session and as a High Court :—

Number of Persons.

Convicted.	Acquitted.	Died.	Commitments quashed.	Pending.
41	30	2	5	1

4. The following table shows the different punishments inflicted :—

	Persons sentenced to						Detail of punishment.									
		Transportation.		Imprisonment.			Six months and under.		Two years and under.		Seven years and under.	Above seven years.	Fine.			
	Death.	For life.	For a term.	Rigorous.	Simple.	Whipping.	Rigorous.	Simple.	Rigorous.	Simple.	Rigorous.	Rigorous.	Amount of fine.	Amount realized.	Fine with imprisonment.	Acquitted.
Recorder's Court exercising the power of a Court of Session.	1	..	...	35	..	...	1	...	4	...	27	3	...	...	...	25
Recorder's Court exercising the power of a High Court.	1	...	...	4	..	..	4	...	...	...	...	...	..	...	...	5
Total ...	2	...	...	39	...	...	5	...	4	...	27	3	..	...	...	30

5. The capital sentence passed by this Court as a Court of Session was confirmed by the Special Court, that passed as a High Court was pending confirmation by the High Court, Calcutta, at the close of the year, but was confirmed in the early part of the current year.

6. Of those persons convicted and sentenced by the Recorder as a Court of Session and High Court 22 appealed to the Special Court. Of these the appeals of 18 persons were rejected, that of one was dismissed, and in one case the sentence was modified, and the cases of two persons were pending at the close of the year. The cases of two persons which were pending at the close of 1886 were also rejected by the Special Court in the year under review.

7. The following table shows the number of persons whose cases came before this Court on appeal and for revision from the findings and sentences of the District Magistrate, Assistant Magistrate, and Junior Assistant Magistrate of the Rangoon Town district, together with the results :—

Magistrate from whose decision appealed.	Number of persons who appealed including those pending from previous year.	Rejected.	Confirmed.	Modified.	Reversed.	New trial.	Quashed.	Pending.
District Magistrate	68	46	...	2	18	...	...	2
Assistant Magistrate	97	68	...	8	10	5	1	10
Junior Assistant Magistrate	56	40	...	10	4	...	1	1
Honorary Magistrates	2	1	...	...	...	...	1	...
Cantonment Magistrate	8	8	...	...	...	...	...	...
District Magistrate, Akyab	1	1	...	...	...	...	...	...
District Magistrate, Hanthawaddy ...	1	1	...	...	...	...	...	...
District Magistrate, Henzada	1	...	...	...	...	1	...	...
District Magistrate, Shwegyin... ...	1	1	...	...	...	...	...	...
Total ...	230	161	...	15	32	6	3	13

8. Besides the above three cases were sent up by the District Magistrate to this Court as a High Court and the same were disposed of during the year.

9. There were also 17 criminal miscellaneous applications to this Court as a High Court which were disposed of.

10. There were two criminal references made to the Special Court on points of law under clause (*b*), section 80, of the Burma Courts Act, 1875, and the same were disposed of during the year under report.

11. The following abstract shows the total criminal work of the Recorder's Court for the year 1887 :—

	Cases.
Sessions	47
References	8
Appeals and revisions	171
Miscellaneous	17
Total ...	238

as against 205 of all kinds in 1886.

12. Ten European British subjects were tried as against two in 1886; of these seven were soldiers belonging to the Royal Scots Fusiliers stationed in Rangoon; one was sentenced to death. The remaining three were European Police Officers. The result of appeals is satisfactory.

13. Mr. R. S. T. MacEwen acted as Recorder from the 1st to the 10th January. Mr. W. F. Agnew was Recorder for the rest of the year, and Mr. MacEwen Additional Recorder. All the original criminal business of the Court was taken by the Additional Recorder. The Recorder and Judicial Commissioner heard the appeals in the Special Court.

THE MAGISTRATES' COURTS.

14. The subjoined table shows the number of offences, bailable and non-bailable, reported during the year, and the number of persons brought to trial, convicted, and acquitted, as compared with a similar return for the preceding year :—

Year.	Number of offences reported as true.			Number of offences brought to trial.	Number of persons under trial.	Acquitted or discharged.	Convicted	Committed.	Disposed of by local Government.	Died, escaped, or transferred.	Pending.
	Non bailable	Bailable.	Total.								
1886 ...	1,068	7,471	8,539	8,202	16,037	3,635	12,291	70	...	...	41
1887 ..	938	8,154	9,092	9,053	14,062	3,442	10,377	76	...	5	162
Increase .	...	683	553	851	...	..	..	6	..	5	121
Decrease ...	130	.	...	...	1,975	193	1,914	...	...	...	...

15. The District Magistrate observes that the main cause for the difference between the results of this year and those of the previous year is that in 1886 there were 988 cases of assault reported as true; 2,537 persons were tried and 1,686 convicted. In 1887 there were only 619 cases reported true, 997 persons tried, and 495 convicted, showing a decrease of 369 cases, 1,540 persons tried, and 1,191 convictions. This is discounted to some extent by the fact that many cases tried as assaults last year seem from the statistics to have been entered as hurt cases this year. The fact, however, remains that in cases of assault and hurt the average number of accused in each case has greatly increased, and this will to a great extent explain the variations above shown.

16. The following table shows the fluctuation of graver crimes for the last few years :—

Year.	With violence.					Without violence.		
	Against the person.				Against property.	Theft.	Others	Total.
	Murder	Grievous hurt	Hurt.	Total.				
1881	12	23	142	177	7	866	53	919
1882	11	21	141	173	27	867	72	939
1883	17	41	133	191	62	1,349	92	1,441
1884	27	18	139	184	28	1,491	108	1,599
1885	13	32	176	221	28	1,331	90	1,421
1886	9	15	188	212	9	908	32	940
1887	12	12	416	440	10	985	49	1,034

17. The great increase of hurt cases, the District Magistrate observes, is due to cases being tried as hurt cases which were formerly treated as assaults as before explained, the total of hurts and assaults for 1887 being 1,035 as against 1,176 in 1886. The column of other cases chiefly consists of cases of dishonestly receiving stolen property.

18. The following table deals with less serious crime :—

Year.	Assault.	Insult.	Creating disturbance.	Nuisance (Police Act V).	Breach of local rules.	Drunk and disorderly.	All others.	Total.
1881	620	381	17	1,571	682	516	557	4,344
1882	988	211	84	902	1,051	590	816	4,587
1883	908	258	52	1,117	1,288	725	707	5,055
1884	1,187	692	59	1,082	1,122	857	627	5,546
1885	1,259	919	55	1,109	1,846	921	621	6,730
1886	988	361	7	2,101	2,222	1,051	741	7,471
1887	619	362	...	2,172	1,649	1,498	1,116	7,416

19. The District Magistrate remarks that the variations in columns 6 and 8 are due probably to a different classification of offences ; the totals of these two columns for the years 1881 to 1887 are respectively 1,239, 1,867, 1,995, 1,749, 2,467, 2,963, and 2,765.

20. The increase noted in column 7 the District Magistrate notices as satisfactory as showing increased efficiency on the part of the regular street police.

21. The following table deals with the more serious offences for the last few years :—

Year	WITH VIOLENCE										WITHOUT VIOLENCE					
	AGAINST THE PERSON.								Against property		Thefts		Others		Total	
	Murders		Grievous hurt		Hurt		Total									
	Reported.	Brought to trial	Reported	Brought to trial	Reported	Brought to trial	Reported.	Brought to trial	Reported.	Brought to trial	Reported.	Brought to trial	Reported	Brought to trial	Reported.	Brought to trial
1881	12	12	23	12	142	142	177	166	7	5	866	550	53	53	919	612
1882	11	10	21	18	141	141	173	169	27	15	867	503	72	59	939	572
1883	17	17	41	29	133	133	191	179	62	44	1 349	555	92	85	1 441	640
1884	27	27	18	18	139	139	184	184	28	18	1,491	752	108	87	1,599	839
1885	13	6	32	32	176	176	221	214	23	19	1 381	568	99	80	1,421	668
1886	9	8	15	12	188	184	212	204	9	6	908	579	32	32	940	611
1887	12	12	12	8	416	401	440	421	10	10	985	680	49	49	1,034	729

22. The following statement shows the statistics of violent crime in greater detail :—

Nature of offence.	Offences reported		Offences brought to trial.		Persons convicted and committed.	
	1886	1887.	1886.	1887.	1886	1887
Murder	5	4	4	4	17	3
Attempt at murder	2	6	2	6	2	5
Culpable homicide	2	1	2	1	2	2
Grievous hurt	15	12	12	8	5	4
Hurt with dangerous weapon	52	49	53	39	39	27
Hurt	136	367	131	362	52	250
Total ...	212	489	204	420	116	291

23. The following table shows the number of offences against property with violence as compared with the previous year :—

Nature of offence.	Offences reported		Offences brought to trial		Persons convicted and committed.	
	1886.	1887.	1886.	1887.	1886.	1887.
Dacoity	1	3	1	8	5	10
Robbery	5	7	2	7	2	15
Extortion	3	6	3	6	3	1
Total ...	9	16	6	16	10	26

24. The following table deals with the various classes of offences against property unaccompanied with violence as compared with the previous year :—

Nature of offence.	Number of offences reported		Number of offences brought to trial		Persons convicted and committed.	
	1886.	1887	1886.	1887.	1886	1887.
Housebreaking with theft	20	20	20	20	21	15
Theft	908	985	579	680	437	541
Receiving stolen property	12	33	12	29	9	20
Total ...	940	1,038	611	729	467	576

25. There is a slight increase in the percentage of convictions which is satisfactory.

26. The following table shows the work performed by the several Magistrates, the result of the trials held before them, and the state of their files at the close of the year :—

Class of tribunal.	Number of persons under trial during the year.	Discharged without trial.	Acquitted or discharged.	Convicted.	Committed.	Died, escaped, or transferred.	Remaining	
							In custody.	On bail or recognizance
District Magistrate	501	...	120	367	14	...	...	...
Assistant Magistrate ...	6,859	167	1,272	5,381	82	2	13	42
Junior Assistant Magistrate ...	1,945	...	413	1,429	80	8	17	53
Cantonment Magistrate ...	640	...	103	531	...	...	...	6
Honorary Magistrates ...	4,117	642	725	2,719	...	...	...	31
Total ...	14,062	809	2,633	10,377	76	5	30	132

27. The percentage of convictions is 74. The percentage in the Junior Assistant Magistrate's Court has improved very much since last year. The second column, however, is not satisfactory as it shows either that the registers of the Courts are most inaccurately kept or that not nearly enough care is taken in dealing with complaints before issuing process.

28. The following table shows the punishments inflicted by the different Magistrates :—

Class of tribunal.	Persons sentenced to					Persons ordered to		Amount of fines		
	Imprisonment.									
	Solitary confinement.	Simple.	Rigorous.	Fines.	Whipping.	Give recognizance or security to keep the peace.	Give security for good behaviour.	Imposed.	Realized	Awarded as compensation.
								Rs. A. P.	Rs. A. P.	Rs. A. P.
District Magistrate ...	2	8	160	197	9	...	77	5,613 13 0	5,181 13 0	...
Assistant Magistrate ...	...	139	265	4,818	127	5	18	24,414 4 0	21,082 15 6	486 8 0
Junior Assistant Magistrate.	1	15	250	887	225	4	44	12,202 10 9	10,894 8 0	424 0 0
Cantonment Magistrate	...	31	8	492	...	...	...	2,552 15 0	2,455 1 0	33 0 0
Honorary Magistrates...	...	...	5	2,714	...	...	...	7,919 0 0	8,113 0 0	190 0 0
Total ...	3	188	688	9,108	361	9	139	52,702 10 9	47,727 5 6	1,133 8 0

29. The figures showing the number of persons ordered to find security for good behaviour show a marked decrease on the year 1886. Otherwise the table does not call for much comment.

29(*a*). The following table shows the detention of witnesses and the average duration of cases :—

Class of tribunal.	Number of witnesses discharged after				Average duration of case.	
	One day.	Two days.	Three days.	More than three days.	For previous year.	For year under review.
District Magistrate	930	168	54	4	2	2
Assistant Magistrate	7,295	104	23	...	2	2
Junior Assistant Magistrate ...	2,379	865	188	17	3	3
Cantonment Magistrate	648	249	128	...	3	2
Honorary Magistrates	2,295	929	149	17	2	2
Total ...	13,547	2,315	542	38	2	2

30. The figures show a slight improvement on 1886 which is satisfactory.

31. The following is the statement of shipping casualties investigated by order of the Chief Commissioner under Act V of 1883 and Act VII of 1883 and rules framed there under :—

No.	Subject.
1	Relative to the conduct of Mr. Warburton.
2	Relative to the grounding of the *John O'Gaunt*.
3	Relative to a collision between H.M.'s I.M.S. *Tenasserim* and the *Norcross* and *Antares*.
4	Relative to the loss of the British schooner *Hyder Hussain*.
5	Relative to a collision between the *Dorothea* and *Hyppolyta*.
6	Relative to an explosion in the engine-room of the S.S. *Tenasserim*.
7	Relative to the sinking of cargo-boat No. 123.
8	Relative to the conduct of Mr E M. Simmonds.

32. The following statement shows the Magistrates who have acted in the Rangoon Town district during the year 1887 :—

Name.	Designation.	Remarks.
Colonel H. R. Spearman	District Magistrate ...	The whole of the year 1887.
Mr. A. T. A. Shaw, C.S. ...	Assistant Magistrate ...	From 1st January to 24th March 1887.
Captain H. E. W. Beville	Ditto ...	From 25th March to 30th September 1887.
Mr. J. Hewetson, C.S. ...	Ditto ...	From 1st October to 31st December 1887.
Captain C. F. Filliter ...	Cantonment Magistrate ...	From 1st January to 13th September 1887.
Maung Pe ...	Junior Assistant Magistrate ...	The whole of the year 1887.

33. The District Magistrate's report and returns were only received on the 17th April. Mr. Norton apologises for the delay which had occurred in submitting them, but says in self-defence that they relate to a year that had closed two months before he took up charge of the district.

34. But for this delay this report would have been submitted much earlier. It has been framed in accordance with Government Resolution No. 561, dated the 27th January 1888.

RANGOON:
The 2nd May 1888.

R. S. T. MACEWEN,
Offg. Recorder.

PART II.

Courts under the Supervision of the Judicial Commissioner.

From W. F. MERKS, Esq., Officiating Judicial Commissioner, Lower Burma, to the Secretary to the Chief Commissioner, Burma,—No. 875-35, dated the 19th April 1888.

I HAVE the honour to forward herewith the criminal justice returns for the lower province for 1887. The returns include the figures for the Town of Rangoon. In this report I deal only with my own Court and the Courts subordinate to my Court.

2. The total number of offences reported and the total number of offences returned as true as compared with the figures for the previous year are shown below :—

Division.	Name of district.	Cases reported.		Cases rejected under section 203 of the Criminal Procedure Code and cases declared false or not entered as true.		True cases.		Percentage of true to reported cases.	
		1886.	1887.	1886.	1887.	1886.	1887.	1886.	1887.
ARAKAN	Akyab	2,113	2,395	441	408	1,672	1,987	79 12	82 96
	Kyaukpyu	1,846	1,809	389	466	1,507	1,343	81·64	74·24
	Sandoway	626	595	13	11	613	584	97·92	98·15
	Northern Arakan	40	61	4	1	36	60	90·00	98·36
	Total	4,625	4,860	797	886	3,828	3,974	82·77	81·77
PEGU	Hanthawaddy	1,947	1,90[illegible]	3	6	1,944	1,896	99 85	99·68
	Pegu	2,071	2,45[illegible]	241	112	1,833	2,347	88·38	95·45
	Tharrawaddy	2,973	2,900	19	22	2,954	2,878	99·36	99·24
	Prome	4,393	4,888	95	222	4,298	4,666	97·84	95 46
	Total	11,387	12,151	358	362	11,029	11,789	96·86	97·02
IRRAWADDY	Henzada	3,084	4,065	718	71	2,366	3,994	76·72	98·25
	Bassein	3,735	3,671	29	487	3,706	3,184	99 22	86·73
	Thôngwa	3,313	3,700	244	212	3,069	3,488	92·64	94·27
	Thayetmyo	1,795	2,777	4	20	1,791	2,757	99 78	99·28
	Total	11,927	14,213	995	790	10,932	13,423	91·66	94·44
TENASSERIM	Amherst	2,099	1,865	274	227	1,825	1,638	[illegible]·95	87·83
	Shwegyin	1,622	1,620	159	139	1,463	1,681	[illegible]·20	92·36
	Toungoo	1,355	1,630	...	33	1,355	1,597	100·00	98·00
	Tavoy	628	591	100	53	528	538	84·08	91 03
	Mergui	665	400	9	60	656	340	98 65	85·00
	Salween	77	85	2	27	75	58	97·40	68·23
	Moulmein	2,785	2,232	243	182	2,542	2,050	91·27	91 84
	Total	9,231	8,623	787	721	8,444	7,902	91·47	91·64
	GRAND TOTAL	37,170	39,847	2,937	2,759	34,233	37,088	92·10	93·08

In 1885 I issued intructions (Circular No. 58 of 1885) to District Magistrates based on the order of the Government of India in the Home Department No. 1-16—71 (Police), dated the 29th February 1884, directing them to show as *false* those cases only in which crimes were charged which never occurred, which were laid through malice and which constituted no offence on the part of the accused, but which had an aspect of criminality as regards the accuser. I have instituted enquiries during the past year and I find that these instructions have been generally understood, and I am assured that they have been acted upon. But the individuality of the Magistrate has also to be taken into consideration, and may to some extent account for the marked differences between the returns of adjacent districts. I also think that increased attention to my order of 1885 is

the cause of some of the fluctuations in the figures of 1887 as compared with those of 1886. I have not been able to show separately the cases rejected under section 203, Code of Criminal Procedure. The tables are prepared in my own office and I have been unwilling to delay this report in calling for further information from Magistrates. The necessity of the careful examination of the complainant before the issue of process has been persistently urged by me in my tours, and whenever the quarterly statements have suggested want of care in the issue of process in complaint cases I have asked Magistrates to explain. The result of these enquiries has been to bring to light instances in which the complaint was certainly true, but in which the parties (often at the instance of the village headman) have agreed to a settlement out of Court. Wherever that is the issue a great gain has been achieved. *Interest reipublicæ ut sit finis litium.*

I shall take care that enquiry continues to be made wherever the figures of the quarterly returns suggest laxity in this respect. Some officers who were negligent in this duty have been found by me, on recent inspections, to have amended their procedure.

3. The next two tables show in which districts the increase and decrease have occurred.

INCREASE.

Division.	Name of district.	Cases reported.	Cases rejected under section 203 of the Code of Criminal Procedure and cases declared false or not entered as true.	True cases.
ARAKAN ...	Akyab	282	...	315
	Kyaukpyu	...	127	...
	Sandoway	...	...	...
	Northern Arakan	21	...	24
	Total ...	303	127	339
PEGU ...	Hanthawaddy	...	3	...
	Pegu	385	...	514
	Tharrawaddy	...	3	...
	Prome	495	127	368
	Total ...	880	133	882
IRRAWADDY...	Henzada	981	...	1,628
	Bassein	...	458	...
	Thôngwa	387	...	419
	Thayetmyo	982	16	966
	Total ...	2,350	474	3,013
TENASSERIM	Amherst	...	...	...
	Shwegyin	198	...	218
	Toungoo	275	33	242
	Tavoy	...	...	10
	Mergui	...	51	...
	Salween	8	25	...
	Moulmein	...	...	...
	Total ...	481	109	470
	GRAND TOTAL ...	4,014	843	4,704

DECREASE.

Division.	Name of district.	Cases reported.	Cases rejected under section 203 of the Code of Criminal Procedure and cases declared false or not entered as true.	True cases.
ARAKAN	Akyab	...	88	....
	Kyaukpyu	37	...	164
	Sandoway	31	2	29
	Northern Arakan	...	8	...
	Total	68	88	193
PEGU	Hanthawaddy	43	...	46
	Pegu	...	129	...
	Tharrawaddy	73	...	76
	Prome	...	...	...
	Total	116	129	122
IRRAWADDY	Henzada	...	647	...
	Bassem	64	...	522
	Thongwa	...	32	...
	Thayetmyo	...	...	...
	Total	64	679	522
TENASSERIM	Amherst	234	47	187
	Shwegyin	...	20	...
	Toungoo	...	...	...
	Tavoy	37	47	...
	Mergui	265	...	316
	Salween	...	...	17
	Moulmein	553	61	492
	Total	1,089	175	1,012
	GRAND TOTAL	1,337	1,021	1,849

4. The next table shows true offences reported under each class in the year 1887 as compared with the previous year.

Division	Name of district.	Year.	Offences against the State, Chapter VI.	Offences against the Army and Navy, Chapter VII.	Offences against the public tranquillity, Chapter VIII.	Offences by or relating to public servants, Chapter IX.	Contempts of the lawful authority of public servants, Chapter X.	False evidence and offences against public officers, Chapter XI.	Offences relating to coin and Government stamps, Chapter XII.	Offences relating to weights and measures, Chapter XIII.	Offences affecting the public health, safety, convenience, decency, and morals, Chapter XIV.	Offences relating to religion, Chapter XV.	Offences affecting the human body, Chapter XVI.	Offences against property, Chapter XVII.	Offences relating to documents and to trade or property marks, Chapter XVIII.	Criminal breach of contracts and service, Chapter XIX.	Offences relating to marriage, Chapter XX.	Defamation, Chapter XXI.	Criminal intimidation, insult, or annoyance, Chapter XXII.	Offences under special and local laws.	Total of true offences reported.	Remarks.
			OFFENCES UNDER THE INDIAN PENAL CODE.																			
ARAKAN.	Akyab	1886	...	...	17	5	13	18	1	...	46	2	471	560	...	2	6	1	41	489	1,672	
		1887	...	...	26	1	14	34	...	1	76	4	574	570	2	1	6	2	32	644	1,987	
	Kyaukpyu	1886	...	...	15	5	14	33	...	2	83	1	260	548	4	1	6	7	76	450	1,507	
		1887	...	...	10	18	6	40	3	...	86	2	207	488	...	...	...	3	67	413	1,343	
	Sandoway	1886	...	...	3	...	3	8	...	...	24	...	108	314	...	2	2	3	33	113	613	
		1887	...	...	4	...	3	4	3	...	12	1	80	301	...	...	1	2	35	138	584	
	Northern Arakan	1886	...	...	...	...	...	1	...	...	2	...	10	13	...	...	1	...	6	3	36	
		1887	...	...	2	4	...	2	2	...	2	...	13	23	...	...	2	1	1	8	60	
	Total ...	1886	...	...	35	10	30	60	1	2	155	3	849	1,435	4	5	15	11	158	1,055	3,828	
		1887	...	...	42	23	23	80	8	1	176	7	874	1,382	2	1	9	8	135	1,203	3,974	
PEGU.	Hanthawaddy	1886	2	...	9	4	14	30	1	1	36	2	213	1,010	2	...	5	2	97	516	1,944	
		1887	...	...	6	11	10	27	3	...	73	4	247	933	3	...	4	3	126	449	1,998	
	Pegu	1886	10	...	18	11	9	52	...	...	38	...	338	883	5	...	11	1	58	399	1,833	
		1887	...	...	16	29	6	109	2	...	58	2	344	1,058	1	1	19	2	63	643	2,347	
	Tharrawaddy	1886	2	...	22	14	10	46	1	1	19	5	265	1,650	4	...	2	1	24	888	2,954	
		1887	...	...	16	16	8	41	...	1	50	1	335	1,622	1	...	...	3	15	769	2,878	
	Prome	1886	3	...	100	17	20	97	...	4	257	...	667	1,871	2	...	2	3	122	1,133	4,298	
		1887	...	...	60	14	38	122	5	9	337	1	630	1,624	3	...	3	5	245	1,570	4,668	
	Total ...	1886	17	...	149	46	53	225	2	6	350	7	1,483	5,414	13	...	20	7	301	2,936	11,029	
		1887	...	...	98	70	62	299	10	10	512	8	1,556	5,237	8	1	26	13	448	3,431	11,789	
IRRAWADDY.	Henzada	1886	7	...	37	8	13	35	1	3	39	1	147	524	1	...	2	8	49	1,496	2,366	
		1887	1	...	25	43	34	27	...	...	62	3	226	748	1	...	9	2	125	2,686	3,994	
	Bassein	1886	4	...	38	19	17	72	1	...	208	...	507	1,414	1	...	16	16	208	1,185	3,706	
		1887	4	...	18	38	18	63	4	9	296	...	424	1,305	3	...	13	19	152	817	3,184	
	Thôngwa	1886	8	3	19	16	23	48	3	...	133	2	562	1,086	...	1	17	6	183	929	3,069	
		1887	5	...	40	26	20	37	...	...	138	3	499	1,168	2	...	27	7	276	1,240	3,488	
	Thayetmyo	1886	...	...	20	5	18	32	1	...	35	2	237	954	4	...	4	7	65	407	1,721	
		1887	1	...	24	3	26	65	3	...	74	3	302	1,558	3	...	9	2	88	595	2,757	
	Total ...	1886	19	3	144	43	71	187	6	3	415	5	1,453	3,978	6	1	39	37	505	4,017	10,993	
		1887	11	1	107	110	98	192	7	9	570	9	1,453	4,779	9	1	58	30	641	5,338	13,423	

Division	Name of district.	Year	Offences against the State, Chapter VI.	Offences against the Army and Navy, Chapter VII.	Offences against the public tranquillity, Chapter VIII.	Offences by or relating to public servants, Chapter IX.	Contempts of the lawful authority of public servants, Chapter X.	False evidence and offences against public officers, Chapter XI.	Offences relating to coin and Government stamps, Chapter XII	Offences relating to weights and measures, Chapter XIII.	Offences affecting the public health, safety, convenience, decency, and morals, Chapter XIV.	Offences relating to religion, Chapter XV.	Offences affecting the human body, Chapter XVI.	Offences against property, Chapter XVII.	Offences relating to documents and to trade or property marks, Chapter XVIII.	Criminal breach of contracts and service, Chapter XIX.	Offences relating to marriage, Chapter XX.	Defamation, Chapter XXI.	Criminal intimidation, insult, or annoyance, Chapter XXII.	Offences under special and local laws.	Total of true offences reported.	Remarks.
Tenasserim.	Amherst	1886	1	2	6	4	10	32	...	...	36	4	233	907	2	1	10	...	150	427	1,835	
		1887	...	...	6	10	11	27	4	...	54	3	301	583	3	1	8	5	116	506	1,638	
	Shwegyin	1886	101	...	16	2	9	20	...	...	23	...	171	722	...	...	8	9	79	303	1,463	
		1887	3	...	17	6	23	63	...	1	32	...	149	895	...	...	7	15	143	327	1,681	
	Toungoo	1886	11	...	...	3	11	20	...	...	31	...	224	592	...	4	3	5	54	398	1,355	
		1887	...	...	1	2	7	33	2	1	56	...	230	762	1	5	2	11	65	419	1,597	
	Tavoy	1886	...	...	5	1	4	4	...	...	29	1	165	230	...	...	1	7	31	54	528	
		1887	...	...	4	2	2	6	...	...	16	1	185	240	...	...	...	5	33	44	538	
	Mergui	1886	...	...	13	...	7	3	...	...	24	1	98	206	1	...	2	...	27	274	656	
		1887	...	...	9	...	3	5	1	...	8	...	85	99	...	1	...	...	14	115	340	
	Salween	1886	12	...	...	...	...	3	...	...	2	...	12	35	...	...	...	...	4	7	75	
		1887	...	...	...	...	...	2	...	...	11	...	13	21	...	...	3	1	3	4	58	
	Moulmein	1886	...	...	3	1	1	14	2	...	35	...	377	290	1	8	23	8	198	1,581	2,542	
		1887	...	...	4	2	5	18	3	2	18	...	294	256	...	...	18	3	134	1,301	2,050	
	Total	1886	125	2	43	10	42	96	2	...	176	6	1,280	2,982	4	13	47	29	543	3,044	8,444	
		1887	3	...	38	22	51	154	10	4	195	4	1,257	2,856	4	7	33	40	508	2,716	7,902	
	Grand Total	1886	161	5	371	109	196	568	11	11	1,096	21	5,065	13,809	27	19	121	84	1,507	11,052	34,233	
		1887	14	1	285	225	234	725	35	24	1,453	28	5,140	14,254	23	10	126	91	1,732	12,688	37,088	
	Increase	...	...	...	...	116	38	157	24	13	357	7	75	445	...	...	5	7	225	1,636	2,855	
	Decrease	...	147	4	86	...	...	...	...	...	...	...	...	...	4	9	...	...	...	...	—	

5. The annexed tables show in a collected form the principal offences against the person and against property for the two past years :—

Offences affecting the Human Body.

Offence.	Reported cases.		True cases.	
	1886.	1887.	1886.	1887.
Murder	249	183	235	173
Attempt at murder	25	35	22	30
Culpable homicide	38	47	31	44
Attempt at culpable homicide	1	...	1	...
Grievous hurt	365	385	341	354
Rape	187	155	109	120
Unnatural offences	6	14	6	13
Hurt	1,537	1,680	1,165	1,524
Criminal force and assault	3,001	2,907	2,713	2,624

Offences against Property.

Offence.	Reported cases.		True cases.	
	1886.	1887.	1886.	1887.
Dacoity	2,251	1,575	2,156	1,529
Robbery, including attempts	636	565	585	517
Housebreaking and lurking house-trespass	698	880	608	762
Other house-trespass	379	462	329	402
Criminal trespass	340	378	282	321
Cattle-theft	1,602	2,267	1,420	2,000
Other thefts and receiving stolen property	7,993	7,968	7,237	7,287

The wave of crime which swept over the province in 1886 had not subsided in the spring and summer of 1887. Small bands of dacoits infested, and some yet infest, the forests which skirt the valleys of the Salween and the Irrawaddy. Although there is an increase of 2,855 in the total number of reported offences, the increase is of crime of the least serious nature. In most of the gravest offences there has been a marked decrease. Thus, offences against the State have fallen from 161 in 1886 to 14 in 1887; murders have fallen from 235 to 173; dacoities from 2,156 to 1,529; robberies from 585 to 517. Contempts of the lawful authority of public servants show the slight increase of 38 cases. Section 188, Indian Penal Code, is a pitfall to many Magistrates. Zealous and youthful officers, and sometimes officers of standing, are tempted to legislate in matters of conservancy and the like, and then are led to sanction prosecutions for the breach of their orders. Many of these errors have been detected and have been corrected in revision during the year.

Prosecutions for offences against public justice have increased by 155. The most marked increases occur in the following districts :—

	1886.	1887.
Akyab	18	34
Pegu	52	109
Prome	92	122
Thayetmyo	32	68
Shwegyin	20	68

In offences against coin there is a slight increase of 24 cases. The cases which came before me were rude attempts at the manufacture by casting of pewter coins and their fraudulent transfer on a small scale.

Offences affecting the public health, safety, and convenience, under Chapter XIV, show an increase of 357 cases. It is in dealing with offences under this chapter that young Native Magistrates frequently go astray. The following are some of the mistakes which more or less often occur. The owner of a house in which a fire occurs is punished with a fine "as a warning" under section 285,

Indian Penal Code, whether there is any evidence of negligence or not, or the onus is thrown on him to prove that he was careful. So, in the case of a dog which bites a stranger, the owner is fined whether the animal had previously shown a ferocious disposition or not. Obedience to a call of nature by the road-side is sometimes dealt with as "rendering the atmosphere noxious to health." Some young Native Magistrates have been found to punish as an offence the unwholesome but inveterate Burman practice of eating the carcases of animals which have died a natural death.

Offences against the person show a slight increase of 75; but, as remarked above, in the most serious of this class there has been a considerable decrease. The number of cases of grievous hurt, however, continues to be very large. The national temper and the habit of carrying knives are responsible for this. Knives are produced on little or no provocation, and disputes upon the most trifling matters often terminate in the infliction of serious or even of fatal injuries. From time to time I have instructed Magistrates to discourage, as far as they may, by severe sentences this dangerous and illegal habit of going armed.

Offences against property under Chapter XVII, Indian Penal Code, show an increase of 445 cases. But there is a marked falling-off of the most serious forms of this class of crime, namely, dacoity and robbery. There is an increase of housebreaking from 608 to 762, but I am inclined to think this increase is largely due to increased care in the classification of offences under sections 457, 380, Indian Penal Code. The police commonly report and send up for trial as charges of theft in a house what are really offences of house-breaking.

There is also a very large increase in cases of cattle-theft,—2,000 as compared with 1,420 in 1886. This is one of the most difficult forms of theft which Magistrates have to deal with. The cattle are habitually left in the forest without a watchman, sometimes for a month without a visit of their owners. The stolen cattle are usually killed within a few hours of the theft, and are broken up and are sold for trifling sums to villagers, who buy the meat, suspecting, but asking no questions. The horns and perhaps a fragment of skin impossible of identification mark the place of slaughter. That is too often the sole discovery in the enquiry. I have instructed the Magistrates in dealing with these cases that they must do what lies in their power to protect private property. One of the obvious methods by which this duty may be discharged is to punish with increased severity the theft of that which may be easily stolen. I have reminded Magistrates that the great majority of the people of this country are engaged in agriculture and that much of their capital is invested in cattle.

There is an increase of 225 cases of criminal intimidation and insult. This increase is distributed amongst the districts which suffered most in the outbreak of crime in 1886 and, I think, it may be taken as fair evidence of the advent of quieter times.

The largest increase of the year, 1,636 cases, occurs in the class of offences under special and local laws.

The large rewards paid, often for trifling services, by some of the Magistrates have led the police to neglect their more legitimate duties for the lucrative investigation of offences under the Gambling Act, III of 1867. Instances have been brought to light in which houses believed to be common gaming-houses have been entered and searched by subordinate policemen either without any search-warrant or under cover of a warrant for the search of some other house. These irregularities have been brought to the notice of Government, and salutary rules regulating the payment of rewards to Police Officers in these cases and fixing a low maximum have been issued by Government. I believe they will divert the attention of the police to their more serious duties.

In prosecutions for breaches of the Municipal Act there has been a slight falling off, namely, 893 cases as compared with 1,076 in 1886. I do not think this is to be regretted. It is necessary to carry out the provisions of the Act, but if this result can be obtained with fewer prosecutions, that is a gain. It is

very desirable that the trial of these cases should come before the Honorary Magistrates.

6. Cases in which security was demanded for good behaviour in the past two years (Chapter VIII, Criminal Procedure Code) are shown below :—

Division.	Name of district.	Persons concerned.		Persons discharged.		Persons convicted.		Percentage of persons convicted to total number of persons concerned, 1887.
		1886.	1887.	1886.	1887.	1886.	1887.	
ARAKAN ...	Akyab	60	16	17	6	43	10	62·50
	Kyaukpyu	77	102	21	17	55	84	82·85
	Sandoway	32	27	8	8	24	19	70·37
	Northern Arakan ...	...	...	...	...	...	...	...
	Total ...	169	145	46	31	122	113	77·93
PEGU ...	Hanthawaddy ...	202	124	52	34	142	90	72·58
	Pegu	119	176	36	56	81	102	57·95
	Tharrawaddy ...	349	255	42	62	307	188	73·73
	Prome	250	334	108	125	141	205	61·38
	Total ...	920	889	238	277	671	585	65·80
IRRAWADDY	Henzada	460	731	140	197	319	534	73·05
	Bassein	693	686	159	113	534	569	82·94
	Thôngwa	372	505	114	131	255	373	73·86
	Thayetmyo	40	68	14	26	26	41	60·29
	Total ...	1,565	1,990	427	467	1,134	1,517	76 28
TENASSERIM	Amherst	86	100	27	19	55	55	55·00
	Shwegyin	132	101	22	35	109	66	65·35
	Toungoo	50	95	9	24	41	66	69·47
	Tavoy	2	5	...	1	2	4	80·00
	Mergui	5	3	3	1	2	2	66·66
	Salween	1	1	...	...	1	1	100·00
	Moulmein	101	59	42	31	59	28	47·46
	Total ...	377	364	103	111	269	222	60·99
	GRAND TOTAL ...	3,031	3,388	814	886	2,196	2,437	71·93

In the Irrawaddy division 1,990 persons were proceeded against under Chapter VIII, Code of Criminal Procedure, as compared with 1,565 in 1886. In other parts of the province the number of prosecutions has diminished. The percentage of convictions to prosecutions, 71·9, is nearly the same as in 1886. I have repeatedly urged the necessity to taking up these cases on the spot. If Magistrates generally did this, they would be better able to judge of the necessity of taking security and of the means of the suspected person. This would also prevent cases being sent up on insufficient grounds. The figures suggest that want of care in the institution of these cases was most frequent in the following districts :—

District.	Percentage of convictions to persons concerned.
Moulmein	47·46
Amherst	55·00
Pegu	58·00
Thayetmyo	59·37
Prome	61·40
Akyab	62·50

7. It is interesting to note that in 1880 there was but one Native Magistrate in charge of a subdivision. At that time only one Burman officer was vested with the powers of a Magistrate of the 1st class. At the close of 1887 there were 34 Native Magistrates exercising 1st class powers and eight of them were in charge of subdivisions. As a body they have fully justified the action of Government in trusting them with full powers and with important posts. Some instances of conspicuous courage and promptitude have come before

me during the past year in the records of decided cases. I may be permitted to mention the case of Maung Tha Din, Myoôk of Dedayè. Some emissaries from one of the dacoit leaders in Upper Burma set up the standard of revolt in this officer's jurisdiction. Within a few hours the party numbered 200 strong. This young officer, at the head of a very small body of police and villagers, attacked and dispersed the insurgents, nipping in the bud what might have been a serious rising.

8. Besides District Magistrates the following Magistrates were empowered at the close of the year to try cases summarily :—

	No.
Cantonment Magistrate	1
Assistant Commissioners	4
Extra Assistant Commissioner	1
Special Magistrate	1
Honorary Magistrates including Benches	58
Total ...	65

9. The following table shows to what extent Magistrates used their summary powers :—

Division.	Name of district.	Total cases tried by Stipendiary and Honorary Magistrates.			Number of cases tried summarily.			Percentage of cases tried summarily to total cases tried.
		By Magistrate of district.	By other Magistrates.	Total.	By Magistrate of district.	By other Magistrates.	Total.	
Arakan.	Akyab	40	1,776	1,816	...	523	523	28·80
	Kyaukpyu	139	1,075	1,214	11	107	118	9·72
	Sandoway	130	258	388	35	...	35	9·02
	Northern Arakan	48	...	48	27	...	27	56 25
	Total ...	357	3,109	3,466	73	630	703	20·28
Pegu.	Hanthawaddy	162	1,128	1,290	7	27	34	2·64
	Pegu	125	1,484	1,609	4	8	12	·75
	Tharrawaddy	177	1,642	1,819	...	5	5	·27
	Prome	124	3,867	3,991	7	914	921	23 08
	Total ...	588	8,121	8,709	18	954	972	11·16
Irrawaddy.	Henzada	152	3,868	4,020	5	234	239	5·95
	Bassein	130	3,077	3,207	...	93	93	2·90
	Thôngwa	146	2,777	2,923	8	83	91	3·11
	Thayetmyo	368	1,307	1,675	33	79	112	6·69
	Total ...	796	11,029	11,825	46	489	535	4·52
Tenasserim.	Amherst	92	1,521	1,613	2	56	58	3·60
	Shwegyin	115	1,158	1,273	...	42	42	3·30
	Toungoo	160	985	1,145	3	110	113	9·87
	Tavoy	65	255	320	8	...	8	2·50
	Mergui	86	238	324	30	...	30	9·26
	Salween	25	31	56	4	...	4	7·14
	Moulmein	404	1,626	2,030	45	391	436	21·48
	Total ...	947	5,814	6,761	92	599	691	10·22
	Grand Total ...	2,688	28,073	30,761	229	2,672	2,901	9·43

The District Magistrates were unable to make much use of their summary powers. In the whole of the Sessions division of Pegu 18 cases, and in Irrawaddy division only 46 cases were so dealt with by them. On the other hand they tried in a regular way 2,688 cases as compared with 2,493 cases in 1886. Some of these were such as would ordinarily have gone to the Courts of Session. For part of the first six months of the year the District Magistrates of Pegu, Tharrawaddy, Prome, Bassein, Thôngwa, Thayetmyo, Toungoo, and Shwegyin exercised powers of Sessions Court under the Gaols Delivery Act. The other Magistrates have disposed of 28,073 cases as compared with 25,727 cases in 1886.

10. The following table shows the cases tried under the Lower Burma Gaols Delivery Act, the result of the trials, the state of the files at the close of the year, and the average duration of those cases:—

Designation of Magistrate.	Number of persons							Number of cases			Average duration of cases.
	Brought to trial during the year.	Died, escaped, or were transferred.	Discharged or acquitted.	Convicted.	Committed or referred.	Total disposed of.	Remaining under trial.	Brought to trial during the year.	Disposed of.	Pending.	
Extra Assistant Commissioner, Pegu ..	5	..	1	4	..	5	..	2	2	..	24
District Magistrate, Pegu	71	..	36	34	1	71	..	22	22	..	19
Extra Assistant Commissioner, Tharrawaddy	130	..	51	78	1	130	..	54	54	..	8
District Magistrate, Tharrawaddy ..	117	..	46	63	8	117	..	37	37	..	20
Extra Assistant Commissioner, Prome ..	24	1	10	13	..	23	..	9	9	..	31
Assistant Commissioner, Paungdè ..	10	..	3	7	..	10	..	4	4	..	10
Assistant Commissioner, Shwedaung ..	2	..	..	2	..	2	..	2	2	..	11
District Magistrate, Prome	14	..	5	9	..	14	..	1	1	..	43
Assistant Commissioner, Myanaung ..	17	..	..	17	..	17	..	11	11	..	15
District Magistrate, Henzada	73	..	34	39	..	73	..	28	28	..	29
Assistant Commissioner, Bassein ..	147	..	67	80	..	147	..	51	51	..	16
Assistant Commissioner, Ngathainggyaung ..	54	1	25	28	..	53	..	17	17	..	13
District Magistrate, Bassein	88	..	30	58	..	88	..	27	27	..	37
District Magistrate, Thôngwa	76	..	23	51	2	76	..	14	14	..	30
District Magistrate, Thayetmyo	41	..	13	27	1	41	..	16	16	..	20
District Magistrate, Toungoo	6	..	1	5	..	6	..	2	2	..	22
District Magistrate, Shwegyin	18	..	..	18	..	18	..	11	11	..	16
Assistant Commissioner, Pyuntaza ..	1	..	..	1	..	1	..	1	1	..	9
Total ..	894	2	345	534	13	892	..	309	309	..	19

11. The next table shows the various punishments inflicted by the several Courts on persons convicted in cases tried under the Lower Burma Gaols Delivery Act :—

Designation of Magistrate.	NUMBER OF PERSONS SENTENCED TO										AMOUNT OF FINE		Amount awarded as compensation.
		TRANSPORTATION.		IMPRISONMENT:									
				Rigorous.		*Simple.*							
	Death.	For life.	For a term.	Over seven years.	Seven years and under.	Over seven years.	Seven years and under.	Solitary confinement.	Fine.	Whipping.	Imposed.	Realized.	
											Rs. A. P.		
Extra Assistant Commissioner, Pegu.	..	..	4	..	..	..	..	..	..	..	..	..	..
District Magistrate, Pegu ..	1	16	16	..	2	..	..	..	..	..	..	..	..
Extra Assistant Commissioner, Tharrawaddy.	1	16	46	..	16	..	..	..	..	..	..	..	..
District Magistrate, Tharrawaddy.	8	4	54	..	5	..	..	..	..	..	..	..	..
Extra Assistant Commissioner, Prome.	..	2	..	..	11	..	..	..	..	3*a*	..	..	..
Assistant Commissioner, Paungdè.	..	2	4	..	1	..	..	..	..	..	..	..	..
Assistant Commissioner, Shwedaung.	..	..	2	..	..	..	..	..	..	..	..	..	..
District Magistrate, Prome ..	..	..	4	1	4	..	..	..	..	..	..	..	..
Assistant Commissioner, Myanaung.	..	5	12	..	..	..	..	..	..	..	..	..	..
District Magistrate, Henzada ..	..	1	16	..	22	..	..	..	..	2*	..	..	..
Assistant Commissioner, Bassein.	..	21	35	..	22	..	..	..	..	2	..	..	..
Assistant Commissioner, Ngathainggyaung.	..	2	18	..	8	..	..	..	..	..	..	..	..
District Magistrate, Bassein ..	..	25	17	6	8	..	..	..	1	2*a*	100 0 0	120	..
District Magistrate, Thôngwa ..	2	9	27	..	15	..	..	..	..	..	..	..	..
District Magistrate, Thayetmyo.	1	2	25	..	..	..	..	..	..	..	..	..	..
District Magistrate, Toungoo ..	..	..	5	..	..	..	..	..	..	..	..	..	..
District Magistrate, Shwegyin	..	..	15	1	..	..	..	..	..	..	..	..	..
Assistant Commissioner, Pyuntaza.	..	..	1	..	..	..	..	..	..	..	..	..	..
Total ..	13	105	301	8	114	..	..	..	1	9	100 0 0	120	..

* In addition to rigorous imprisonment.

The Burma Gaols Delivery Act did not expire until the end of June 1887. As explained in my report for 1886 the increase of violent crime in 1886 was so great that Sessions Judges were unable to cope with the business before them. Two officers were successively appointed as Additional Sessions Judges, but it soon became clear that the pending cases could not be disposed of with reasonable promptitude under the ordinary procedure. Accordingly, in July 1886, a short Act, known as the Lower Burma Gaols Delivery Act, was passed, under which selected Magistrates were vested with the powers of a Sessions Judge for the trial of the most serious forms of crime without commitment, the procedure

being that followed in the trial of warrant cases under the ordinary law. During the first half-year of 1887 18 selected Magistrates exercised these powers. Three hundred and nine cases involving 894 persons came before these special Sessions Judges. Five hundred and thirty-four of these persons were convicted. The average duration of these cases was 19 days. Nearly every one of those who were convicted appealed to my Court. With a few exceptions the selected officers justified the Government in trusting them with these important powers. The Act proved a very useful measure.

12. The next table shows the work done by Honorary Magistrates including Benches and Special Magistrates :—

Division.	Name of district.	Persons disposed of.				
		1883.	1884.	1885.	1886.	1887.
Arakan ...	Akyab ...	369	178	226	397	591
	Kyaukpyu	...	...	...	...	154
	Sandoway	...	...	..	...	...
	Northern Arakan	...	...	...	...	...
	Total ...	369	178	226	397	745
Pegu ...	Hanthawaddy	...	...	...	...	...
	Pegu ...	...	...	...	...	...
	Tharrawaddy	...	...	...	...	...
	Prome ...	8	286	488	749	956
	Total ...	8	286	488	749	956
Irrawaddy	Henzada	227	396	1,397	189	1,558
	Bassein	352	326	640	690	695
	Thôngwa	171	111	120	102	225
	Thayetmyo	...	...	...	...	252
	Total ...	750	833	2,157	981	2,730
Tenasserim...	Amherst	47	96	131	191	200
	Shwegyin	...	...	...	...	8
	Toungoo	212	271	291	824	216
	Tavoy	...	...	...	...	...
	Mergui	...	...	...	...	...
	Salween	...	...	...	...	...
	Moulmein	1,806	1,983	2,234	2,132	1,391
	Total ...	2,065	2,350	2,656	2,647	1,815
	Grand Total ...	3,187	3,647	5,527	4,774	6,246
	Percentage to total disposed of by all Magistrates.	8·55	8·83	11·18	10·16	12·31

Benches of Honorary Magistrates were first established in Burma in 1880. There are now nine Benches in existence outside the town of Rangoon. Proposals for the appointment of Benches at Pegu and Tavoy are now before the local Government. In 1887 the Honorary Magistrates disposed of nearly 12½ per cent. of the total number of cases tried by the magistracy. This represents a very considerable gratuitous contribution to the judicial labour of the Administration. Not only do these gentlemen set free a considerable part of the time of the paid magistracy, but they are themselves undergoing a very valuable training in sharing in the administration. I have sat with some of them in my tours during the past year and I have had the gratification of observing the judicial demeanour of the Honorary Magistrates on the Bench, and the quiet and orderly manner in which the proceedings in their Courts are usually conduct-

ed. Every one of their convictions is reported to me in the monthly district statement of convictions. Such irregularities as are thus brought to light are corrected. During the past year the Benches of Prome and Bassein have been entrusted with the power to pass sentences of whipping. This power has been cautiously used by them. It is much to be desired that District Magistrates would occasionally sit with the Bench and encourage and assist the Honorary Magistrates by their presence and with their advice.

13. The following table shows the results of inquiries and trials before Magistrates during the past two years for the whole province :—

Division.	District.	Persons under trial.	Convicted or committed.	Acquitted or discharged.	Died, escaped, transferred, or remaining.	Percentage of convictions and committals to total tried. 1886.	1887.
Arakan.	Akyab	3,076	1,791	1,258	27	54 71	58 22
	Kyaukpyu	1,760	1,166	572	22	65·67	66 25
	Sandoway	650	415	218	17	68 10	68 85
	Northern Arakan	83	61	22	...	77 78	78·49
	Total ...	5,569	3,433	2,070	66	59 44	61·64
Pegu.	Hanthawaddy	2,853	1,567	1,243	43	60·07	54·93
	Pegu	2,774	1,427	1,135	212	54·74	51·44
	Tharrawaddy	3,223	1,809	1,337	77	60·66	56 13
	Prome	6,478	4,354	2,001	123	64·91	67·21
	Total ...	15,328	9,157	5,716	455	61·07	59·74
Irra-waddy.	Henzada	5,593	3,703	1,839	51	68·76	66·21
	Bassein	5,695	3,165	2,484	96	58 81	55·58
	Thôngwa	5,056	2,753	2,157	146	55 83	54 45
	Thayetmyo	2,860	1,856	884	120	61·66	64·90
	Total ...	19,204	11,477	7,314	413	61·06	59 76
Tenasserim.	Amherst	2,718	1,672	1,010	36	58 25	61·52
	Shwegyin	2,238	1,243	971	24	59·82	55·54
	Toungoo	1,911	1,235	658	18	61·88	64·63
	Tavoy	577	294	280	3	57·67	50 95
	Mergui	503	347	153	3	76·85	68·99
	Salween	73	51	20	2	83 11	69·86
	Moulmein	3,036	1,679	1,324	33	54 41	55·30
	Total ...	11,056	6,521	4,416	119	59 51	58·98
	Grand Total ...	51,157	30,588	19,516	1,053	60·52	59·79

In some districts the results are very unsatisfactory. The figures show that the police send up many cases on insufficient evidence. I recently examined the failures in serious offences in one district in the last quarter of 1887. Some of the cases related to offences committed a year ago and most of the evidence had disappeared. In others the case mainly turned on doubtful identification at night.

14. The number of persons committed to the Sessions and the proportion of convictions to committals is shown below :—

Sessions division.	Cases committed.	Persons committed.	Percentage of persons convicted to total persons disposed of.	
			1886.	1887.
Arakan	47	86	66·13	83·52
Pegu	164	297	52 78	60·39
Irrawaddy	178	348	62·68	50 94
Tenasserim...	83	229	72·95	65·09
Moulmein	22	29	24 39	58 62
Total ...	489	989	64·22	60 54

The prosecution has met with much the same results in the Pegu division in 1887 as in the rest of the province. The prosecution failed in nearly half the cases in the Irrawaddy division. I recently examined a number of cases from this division, seeking to discover the cause of the fluctuation of the proportion of convictions to acquittals. As in the Magistrates' cases so here the offence charged had usually been committed months before the alleged offenders had disappeared, and when they were arrested the evidence obtainable was meagre and unsatisfactory. In the Moulmein Court the results in 1887 have returned to about the usual average.

15. The following table compares the sentences passed in Sessions Courts in the past two years :—

Class of punishment.	1886	1887.
Death	66	37*
Transportation for life	444	281
Transportation for a term	204	477
Rigorous imprisonment only	123	277
Simple imprisonment only	6	1
Fine only...	...	2
Whipping only...	81	10
Fine and whipping only	...	...
Rigorous imprisonment with fine	1	9
Rigorous imprisonment with whipping	...	5
Simple imprisonment with fine	...	...
Total ...	875	1,099

* Sentences confirmed by the Judicial Commissioner.

This table shows a marked decrease of severity of sentences and is an index of returning tranquillity to the lower province.

16. The next table shows the different classes of punishment inflicted in Magisterial Courts :—

Punishments in Magisterial Courts.

Division.	Name of district.	Total number of persons punished.	Fine only.		Whipping only.		Fine and whipping only..		Rigorous imprisonment only		Simple imprisonment only.		Rigorous or simple imprisonment with fine or whipping, or both.		Solitary confinement.		Transportation for a term.	
			Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.	Number of persons	Percentage to total punished.	Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished	Number of persons.	Percentage to total punished.	Number of persons.	Percentage to total punished.
Arakan ..	Akyab	1,732	1,232	71·13	59	3 41	..	..	317	18·30	8	·46	111	6·41	3	·17	..	..
	Kyaukpyu	1,104	584	52·90	50	4·53	..	..	322	29 17	7	·63	119	10 78	3	·27	..	..
	Sandoway	358	174	48 60	8	2 23	..	..	141	39 39	2	·56	29	8 10	..	..	..	..
	Northern Arakan ..	60	35	58 33	3	5·00	..	..	16	26·67	5	8 33	2	3 33	..	..	..	..
	Total ..	3,254	2,025	62 23	120	3·70	..	..	796	24 46	22	·68	261	8 02	6	·18	..	..
Pegu ..	Hanthawaddy ..	1,443	1,015	70·34	43	2·99	..	..	339	23·59	12	·83	34	2 36	..	..	..	..
	Pegu	1,261	685	54·32	43	3·41	..	..	378	29·98	8	·63	66	5 23	3	·24	20	1 59
	Tharrawaddy ..	1,570	650	41·40	49	3 12	1	·06	629	40·06	7	·45	59	3·76	12	·76	100	6 37
	Prome	4,050	2,686	66 32	142	3 50	1	·02	865	21 36	35	·86	244	6·02	19	·47	8	·20
	Total ..	8,324	5,036	60 50	277	3·33	2	·02	2,211	26·56	62	·74	403	4 84	34	41	128	1·54
Irrawaddy ..	Henzada	3,577	2,119	59 24	131	3 66	..	..	896	25·05	14	·39	117	3 27	18	·50	28	·78
	Bassein	2,854	1,573	55 12	87	3·05	..	..	692	24·25	28	·98	74	2 60	..	..	71	2 49
	Thongwa	2,591	1,552	60·00	105	4 05	..	..	583	22·50	22	·85	82	3 16	31	1 19	28	1·08
	Thayetmyo	1,624	940	58·00	77	4 74	..	..	353	21 74	9	·55	99	6·09	..	..	25	1·54
	Total ..	10,646	6,184	58·09	400	3·77	..	..	2,524	23 71	73	·69	372	3 49	49	·46	152	1·44
Tenasserim ..	Amherst	1,476	918	62·20	43	2·91	..	..	437	29·61	6	41	58	3 93	1	·07	..	..
	Shwegyin	1,081	654	60 50	45	4·16	..	..	279	25·81	11	1·02	55	5 09	2	·19	16	1 48
	Toungoo	1,123	733	65·27	50	4 45	..	..	233	20·75	12	1·07	44	3 92	5	·45	5	·44
	Tavoy	284	193	67·96	7	2·46	..	..	66	23·24	1	·35	10	3·52	..	..	..	..
	Mergui	325	171	52 62	10	3·08	..	..	77	23 69	1	·31	26	8 00	..	..	..	..
	Salween	51	2	3·92	..	..	..	..	25	49·02	1	2·00	22	43·14	..	..	..	..
	Moulmein	1,654	1,461	88 33	32	1 93	..	..	102	6·17	8	·48	16	·97	..	..	..	..
	Total ..	5,994	4,132	68 94	187	3 12	..	..	1,219	20 34	40	·67	231	3 85	8	·13	21	·35
	Grand Total ..	28,218	17,377	61·58	984	3·49	2	·007	6,750	23·92	197	·70	1,267	4·49	97	·34	301	1 07

This table also bears evidence to the return of quieter times. Three hundred and one persons tried by Magistrates were sentenced to transportation as compared with 368 persons in 1887. In 1887 61·59 of the whole number of persons tried by Magistrates were sentenced to fine only as compared with 57·73 per cent. in 1886. The proportion of sentences of whipping to total convictions is nearly the same as in 1886. More use has been made of this form of punishment in the Akyab division than in 1886, also in the districts of Pegu, Tharrawaddy, Prome, Henzada, Shwegyin, and Toungoo. In all the other districts but little attention has been paid to the instructions which I have from time to time issued pointing out the advantages of the use of this form of punishment where the nature of the offence and the sex, age, and health of the offender suggest a sentence of this kind. I shall continue to remind District Magistrates that many of the Courts are situated at long distances from jails; that a large portion of a short sentence is of necessity consumed in conveying the convict to the place of imprisonment; that the police are taken from the detection of crime for escort duty; that for the purposes of amendment short terms of imprisonment are considered by officers of much local experience to be practically inoperative; that in many of the jails the separation of short-termed first offenders from habitual criminals is impossible; that the lives of most of the persons who come before the Criminal Courts are spent in the open air and that their health usually suffers in the first part of their imprisonment.

16. The degrees of punishment inflicted in Sessions and Magisterial Courts are given below:—

Degrees of punishment.	1886.		1887.	
	Persons.	Percentage.	Persons.	Percentage.
Imprisonment (*a*)—				
Not exceeding 15 days	659	7·43	563	6·53
Not exceeding 6 months	4,942	55·75	4,663	54·04
Not exceeding 2 years	2,273	25·64	2,479	28·73
Not exceeding 7 years	915	10·32	886	10·27
Exceeding 7 years	76	·86	37	·43
Total ...	8,865	100·	8,628	100·
Whipping (*b*)—				
Ten stripes and under	186	15·86	205	17·16
Eleven to 20 stripes	581	49·53	604	50·54
Twenty-one to 30 stripes	406	34·61	386	32·30
Total ...	1,173	100·	1,195	100·
Fine (*c*)—				
Rs. 10 and under	10,034	62·86	11,767	63·69
Rs. 50 and under	5,112	32·03	5,785	31·31
Rs. 100 and under	589	3·69	672	3·64
Rs. 500 and under	215	1·35	240	1·30
Rs. 1,000 and under	11	·07	11	·06
Exceeding Rs. 1,000	...	...	1	...
Total ...	15,961	100·00	18,476	100·

(*a*) With or without fine or whipping. | (*b*) With or without imprisonment or fine.
(*c*) With or without imprisonment or whipping.

The sentences in each class of punishment are lighter than in 1887.

17. The fines imposed, realized, remitted, and struck off as unrealizable in the past two years, and the amount of compensation given to complainants, are shown below :—

	1886.			1887.		
	Rs.	A.	P.	Rs.	A.	P.
Imposed	2,87,028	6	0	3,21,505	9	2
Realized	2,05,399	12	0	2,51,624	8	7
Remitted	10,776	9	0	5,291	4	0
Struck off	38,941	12	6	63,253	7	0
Compensation granted	28,629	9	6	30,993	2	2

The fines imposed are too often excessive. Sufficient care is not taken to apportion the fine to the means of the offender. It is no doubt difficult to do this in the case of vagrant Chinese and others who are apprehended wandering about the country with smuggled opium, but the difficulty does not arise in ordinary cases, as the witnesses usually are personally acquainted with the circumstances of the accused persons. Excessive fines are too common in gambling cases, in cases of the use of filthy language, in cases of the illegal possession of small quantities of opium, and in cases of manufacturing spirit in trifling quantities, where the evidence shows there was no intention to manufacture for sale. In many cases these sentences have been corrected in revision.

The following table shows the average amount of fines in each class of Court :—

	Rs.	A.	P.
Special Magistrates	13	7	0
Stipendiary Magistrates	19	15	7
Honorary Magistrates	8	10	6
Benches of Magistrates	8	1	1
Divisional Magistrates	52	6	0
District Magistrates	38	12	7
Sessions Judges	237	0	0

These figures show that Divisional Magistrates are in the habit of inflicting fines nearly three times as severe as their Subordinate Magistrates and more than half again as severe as those inflicted by their superiors, the District Magistrates. I expect the continued assistance of Sessions Judges and of District Magistrates in taking care to correct the imposition of excessive fines.

Increased attention has been paid during the last year to the examination of outstanding balances of old fines and Rs. 63,253 have been written off as irrecoverable.

In some districts the payment of compensation out of the fines has been attended to. The officers attached to the following districts deserve commendation in this respect :—

District.	Percentage of compensation awarded to fine imposed.
Shwegyin	28 per cent.
Bassein	24 per cent.
Toungoo	20 per cent.
Amherst	19 per cent.

The officers of the following districts have been negligent in the discharge of this duty :—

Mergui	1·40 per cent.
Sandoway	8 per cent.
Hanthawaddy	4 per cent.
Tharrawaddy	4 per cent.
Thôngwa	5 per cent.
Kyaukpyu	5 per cent.
Pegu	6 per cent.
Prome	6 per cent.
Akyab	6 per cent.
Tavoy	6 per cent.

It is very desirable that the complainant should not be put to the trouble of prosecuting his claim again in the Civil Court when he has established the fact of injury in the Criminal Court. I believe mere negligence is at the root of the shortcomings of Magistrates in this duty.

18. The next table shows the detention of witnesses in Magisterial Courts and the number of witnesses examined :—

Witnesses discharged in all Courts.	1886.		1887.		Number of witnesses examined.	
	Number.	Percentage to total witnesses discharged.	Number.	Percentage to total witnesses discharged.	1886.	1887.
First day	95,766	85·86	98,551	85·78	86,675	...
Second day	12,298	11·02	12,458	10·84	10,501	...
Third day	2,395	2·15	2,470	2·15	1,888	...
After third day	1,082	·97	1,462	1·28	871	...
Total ...	111,536	100·00	114,936	100·00	99,985	101,071

Considering the great pressure of executive duties, as well as the increase of judicial work, this table shows results very creditable to the Magistrates.

19. The following table shows the average duration of cases brought to trial and disposed of by Magistrates :—

Division.	Name of district.	Total cases disposed of.	Total duration.	Average duration of all cases.	
				1886.	1887.
Arakan ...	Akyab	1,816	8,483	6	5
	Kyaukpyu	1,214	4,891	5	4
	Sandoway	888	1,862	6	5
	Northern Arakan	48	229	8	5
	Total ...	3,466	15,415	6	4
Pegu ..	Hanthawaddy	1,290	9,105	10	7
	Pegu	1,609	14,096	8	9
	Tharrawaddy	1,819	15,084	9	8
	Prome	3,991	27,471	9	7
	Total ...	8,709	65,706	9	8
Irrawaddy ...	Henzada	4,020	17,287	8	4
	Bassein	3,207	20,628	5	6
	Thôngwa	2,928	11,591	5	4
	Thayetmyo	1,675	10,020	7	6
	Total ...	11,825	59,471	6	5
Tenasserim ...	Amherst	1,613	9,190	6	6
	Shwegyin	1,278	8,796	8	7
	Toungoo	1,145	5,177	5	5
	Tavoy	320	1,944	8	6
	Mergui	324	1,075	2	3
	Salween	56	504	10	9
	Moulmein	2,030	12,146	6	6
	Total ...	6,761	38,832	6	6
	Grand Total ...	30,761	179,424	7	6

This table also bears good evidence of the expedition with which cases have been tried. There has been a marked reduction effected in the divisions of

Arakan, Pegu, and Irrawaddy, while the average duration of cases in the whole province has been reduced from seven days in 1886 to six days in 1887. This result is very creditable to the Magistrates.

20. The duration of cases tried by Courts of Session in the past two years, calculated from the day of commitment, is given below :—

Sessions division.	Number of cases tried.	Total duration.	Average duration.		Remarks.
			1886.	1887.	
Arakan	47	1,888	87	29	
Pegu	142	8,717	63	61	
Irrawaddy	165	11,400	80	69	
Tenasserim	83	2,608	37	31	
Moulmein	22	621	22	28	
Total ...	459	24,729	55	54	

The duration of Sessions cases in the Arakan and Tenasserim divisions has been considerably reduced; in 1887 these cases were tried in those divisions with reasonable promptitude. Some reduction of the average duration in the Pegu division has been effected and the reduction in the Irrawaddy division is considerable. The average duration, however, in both these Sessions Courts is unduly high. The number of cases before these Courts, namely, 142 in the Pegu Court and 165 in the Irrawaddy Court, is very large. Eighty Sessions cases in the year is a high average for a heavy Sessions division in Bengal.

It is clear that the Revenue and Sessions work of both these divisions is getting beyond the power of one man. Colonel Street, the Commissioner of Pegu, than whom there is no more conscientious and industrious officer in the province, has assured me that nearly the whole of the working hours of daylight were occupied with his judicial duties. It has been found necessary to give the Sessions Judge of Irrawaddy assistance in reducing his file. I have not the figures at hand, but I believe that the major part of the land revenue of the lower province is raised in these two Commissionerships, and I know that the revenue work in both is exceedingly heavy.

21. The number of appeals disposed of last year as compared with the previous year is shown below.

Appellate Courts.	1886.	1887.
District Magistrates	639	618
Sessions Judges	1,418	1,752
Judicial Commissioner	1,174	1,009

During part of the year 23 Courts simultaneously exercised Sessions powers. The appeals from all of them came to me.

22. The results of appeals disposed of are shown in the next table.

Results of Appeal.

Division.	Class of Appellate Court.	Total cases disposed of.	Total appellants disposed of.	Persons whose: Appeals were rejected.	Appeals were dismissed.	Sentences were reduced or otherwise altered.	Sentences were reversed.	Percentage of appeals rejected and dismissed to total appellants disposed of.
Arakan.	District Magistrate of Akyab ...	48	60	14	13	25	8	45·00
	District Magistrate of Kyaukpyu ...	84	100	...	62	18	20	62·00
	District Magistrate of Sandoway ...	58	68	12	28	6	17	63·50
	District Magistrate of Northern Arakan	...	...	...	...	...	...	...
	Sessions Judge of Arakan	275	294	222	22	27	21	83·00
	Total ...	455	517	248	125	76	66	72·13
Pegu.	District Magistrate of Hanthawaddy ...	24	37	1	15	4	17	43·24
	District Magistrate of Pegu	34	60	5	41	4	7	76·67
	District Magistrate of Tharrawaddy ...	17	18	...	13	3	2	72·22
	District Magistrate of Prome ...	51	61	5	33	14	9	62·30
	Sessions Judge of Pegu	546	712	528	69	29	77	83·85
	Judicial Commissioner, Lower Burma ...	1,009	1,585	684	401	131	339	68·45
	Total ...	1,681	2,473	1,223	572	185	451	72·58
Irrawaddy.	District Magistrate of Henzada ...	37	71	...	56	12	3	78·87
	District Magistrate of Bassein ...	58	59	1	40	11	6	69·49
	District Magistrate of Thôngwa ...	12	19	...	7	9	3	36·84
	District Magistrate of Thayetmyo ...	45	56	...	44	3	9	78·57
	Sessions Judge of Irrawaddy ...	501	637	217	279	28	108	77·87
	Total ...	648	842	218	426	63	129	76·48
Tenasserim.	District Magistrate of Amherst ...	33	43	1	15	7	20	37·21
	District Magistrate of Shwegyin ...	40	51	...	32	4	15	62·75
	District Magistrate of Toungoo ...	40	77	14	28	19	16	54·55
	District Magistrate of Tavoy ...	14	16	...	4	5	7	25·00
	District Magistrate of Mergui ...	17	17	3	8	2	4	64·71
	District Magistrate of Salween ...	...	...	...	...	...	...	...
	District Magistrate of Moulmein ...	21	31	2	11	4	13	41·94
	Sessions Judge of Moulmein ...	24	28	9	14	3	2	82·14
	Sessions Judge of Tenasserim ...	406	451	206	145	43	48	77·83
	Total ...	595	714	235	257	87	125	68·91
	Grand Total ...	3,379	4,546	1,924	1,380	411	771	72·68

The percentage of appeals rejected or dismissed to the total number of appellants disposed of is about 1 per cent. less than in 1886. The percentage of interference is usually highest where the appeals are least numerous. This result might be anticipated, for the number of appeals preferred in some of the most populous districts is very small.

District.	Total number of persons convicted by officers subordinate to District Magistrates.	Appeals.
Akyab	1,704	43
Hanthawaddy ...	1,352	24
Pegu	1,148	34
Tharrawaddy ...	1,468	17
Prome	3,936	51
Henzada	6,311	37
Bassein	2,554	58
Thôngwa	2,461	12
Moulmein ...	1,364	21

In outlying Courts in the interior very little professional advice is available. If the sentences are of fine only, or if they are of short terms of imprisonment, there is generally no appeal preferred. This is due partly to the ignorance and mainly to the submissive character of the people. It thus probably happens that the worst cases are those which usually come in appeal before the Magistrates of these districts. If, however, the few appeals which are preferred come only from the Courts at headquarters, where legal advisers are obtainable, then the percentage of interference is usually about the same as elsewhere. In my tours of inspection I endeavour to go through all the appeals decided since my last visit to the district in question and any tendency to capricious interference is commented on.

Of the 339 sentences reversed by me nearly half occurred in appeal from five officers :—

Officer.	Number of appeals.	Rejected.	Confirmed.	Reduced.	Reversed.	New trial ordered.
Major J. Butler ...	129	15	21	10	61	22
Mr. A. E. Hurry ...	54	9	17	4	24	...
Mr. D. L. M. Mackay	91	35	28	2	26	...
Mr. G. L. Weidemann	51	10	13	...	28	...
Mr. J. K. Macrae ...	39	13	8	1	17	...
Total ...	364	82	87	17	156	22

23. *References to Judicial Commissioner under Section 374, Criminal Procedure Code.*

Reference by whom made.	Sentences.				
	Referred for confirmation.	Confirmed.	Reduced or altered.	Reversed.	Pending.
Sessions Judge of Arakan	6	4	...	...	2
Sessions Judge of Pegu	11	10	...	1	...
District Magistrate of Tharrawaddy	8	6	2	...	...
Extra Assistant Commissioner of Tharrawaddy ...	1	...	1	...	...
District Magistrate of Pegu	1	...	1	...	...
Sessions Judge of Irrawaddy	16*	10	2	1	2
Assistant Commissioner of Myanaung	8	...	...	8	...
District Magistrate of Thayetmyo	8	2	1	...	...
District Magistrate of Thongwa	4	...	4	...	...
District Magistrate of Bassein	1	...	...	1	...
Sessions Judge of Tenasserim	8†	5	1	...	1
District Magistrate of Toungoo	1	...	1	...	...
Sessions Judge of Moulmein	...	...	...	...	...
Total ...	63	37	13	6	5

* One died in jail. † One new tri ordered.

24. *References to Judicial Commissioner under Section 438, Criminal Procedure Code.*

Division.	Reference by whom made.	Number of cases referred.	Number of persons concerned.	Number of persons whose sentences were: Confirmed.	Enhanced.	Reduced.	Reversed.	Pending: Cases.	Persons.	Remarks.
Arakan.	District Magistrate of Akyab	1	1	1	...	...	...	...	...	
	District Magistrate of Kyaukpyu.	4	5	4	...	1	..	...	...	
	District Magistrate of Sandoway.	...	...	...	...	...	...	...	...	
	District Magistrate of Northern Arakan.	...	...	...	...	...	..	...	...	
	Sessions Judge of Arakan ...	48	86	34	4	3	16	11	26	Three new trials ordered.
	Total ...	53	92	39	4	4	16	11	26	
Pegu.	District Magistrate of Hanthawaddy.	8	25	12	...	1	12	...	...	
	District Magistrate of Pegu ..	21	30	10	...	11	6	1	1	Two new trials ordered.
	District Magistrate of Tharrawaddy.	7	10	4	...	1	3	1	1	One new trial ordered.
	District Magistrate of Prome	21	34	7	..	15	8	7	9	
	Sessions Judge of Pegu ...	37	80	16	3	1	53	3	4	Three new trials ordered.
	Total ...	94	179	49	3	29	77	12	15	
Irrawaddy.	District Magistrate of Henzada.	3	3	2	...	1	...	...	...	
	District Magistrate of Bassein	14	18	8	1	3	5	1	1	
	District Magistrate of Thôngwa.	22	29	9	1	10	8	...	...	One new trial ordered.
	District Magistrate of Thayetmyo.	5	6	1	...	3	2	...	...	
	Sessions Judge of Irrawaddy	12	19	7	2	1	1	2	3	Five new trials ordered.
	Total ...	56	75	27	4	18	16	3	4	
Tenasserim.	District Magistrate of Amherst.	1	1	...	...	1	...	...	...	
	District Magistrate of Shwégyin.	1	2	...	...	...	...	1	2	
	District Magistrate of Toungoo.	4	4	2	1	...	...	...	...	One new trial ordered.
	District Magistrate of Tavoy	5	25	24	...	1	...	...	...	
	District Magistrate of Mergui	1	1	...	...	...	...	1	1	
	District Magistrate of Salween.	...	...	...	...	...	...	...	...	
	District Magistrate of Moulmein.	...	...	...	...	...	...	...	...	
	Sessions Judge of Moulmein	12	17	5	...	1	9	2	2	
	Sessions Judge of Tenasserim	39	66	17	...	5	42	2	2	
	Total ...	63	116	48	1	8	51	6	7	
	Grand Total ...	266	462	163	12	59	160	32	52	Sixteen new trials ordered.

Cases called for by the Judicial Commissioner on his own motion under Section 435, Criminal Procedure Code, and at the instance of Parties or their Friends under Section 435, Criminal Procedure Code.

Division.	Name of district.	Number of cases called for.	Number of persons concerned.	Number of persons whose sentence were: Confirmed.	Enhanced.	Reduced.	Reversed.	Pending: Cases.	Persons.	Remarks.
Arakan.	Akyab	67	128	62	1	19	1	14	40	
	Kyaukpyu	71	106	59	..	5	6	19	36	
	Sandoway	18	26	21	...	...	3	2	2	
	Northern Arakan	5	14	1	...	1	...	2	11	One new trial.
	Sessions Judge of Arakan ...	...	...	...	...	...	...	...	...	
	Total ...	161	269	143	1	25	10	37	89	
Pegu.	Hanthawaddy	65	183	97	...	48	6	13	32	
	Pegu	54	139	63	1	30	2	14	43	
	Tharrawaddy	88	142	78	...	11	6	26	47	
	Prome	277	450	253	2	48	38	60	108	One new trial.
	Sessions Judge of Pegu ...	...	...	...	...	...	...	...	...	
	Total ...	484	914	491	3	137	52	113	230	
Irrawaddy.	Henzada	197	354	134	...	12	38	81	170	
	Bassein...	142	274	116	...	29	14	40	115	
	Thôngwa	163	259	135	...	62	15	33	47	
	Thayetmyo	125	218	97	1	56	12	26	52	
	Sessions Judge of Irrawaddy ...	2	4	3	1	...	...	...	...	
	Total ...	629	1,109	485	2	159	79	180	384	
Tenasserim.	Amherst	71	114	47	...	28	3	15	36	
	Shwegyin	42	72	25	...	11	...	21	36	
	Toungoo	62	83	33	...	10	3	24	37	
	Tavoy	19	36	10	...	6	...	8	20	
	Mergui	18	29	18	...	5	...	6	6	
	Salween	1	1	...	...	...	...	1	1	
	Moulmein	29	70	62	...	2	1	4	4	One new trial.
	Sessions Judge of Moulmein ...	...	...	...	...	...	...	...	...	
	Sessions Judge of Tenasserim...	...	...	...	...	...	...	...	...	
	Total ...	242	405	195	...	62	7	79	140	
	Grand Total ...	1,516	2,697	1,314	6	383	148	409	843	Three new trials.

One thousand four hundred and twenty-one cases involving 2,245 persons came before me in revision during the year. Of these the sentences on 308 persons were reversed and the sentences of 452 persons were reduced. The commonest mistake corrected was the misapplication of section 65, Indian Penal Code, the provision that a sentence in default cannot exceed one-fourth of the maximum term of imprisonment awardable being commonly overlooked. In most cases the fine was paid. In the two preceding years, in cases where the fine was paid and the illegal sentence was inoperative, I allowed the sentence to stand, pointing out the mistake. I have thought this course misleading, and during the past year I have made formal orders correcting the sentences in all such cases.

Besides the cases included in the above statements I have examined many cases in district record-rooms while on tour.

Although the figures for the past year appear more unfavourable to Magistrates than those of the preceding years, owing to the formal correction of every mistake detected, I am able confidently to say that the work done by them was not inferior in quality to that of 1886.

25. *Revision Work done by Sessions Judges and Magistrates.*

Revising Court	Number of cases preferred during the year, including those pending from last year	Number of persons whose cases were examined in revision.	Number of cases disposed of	Number of persons disposed of.	Number of cases pending.	Number of persons pending.	Remarks.
Sessions Courts	888	1,428	740	1,147	148	281	
District Magistrates	1,732	2,961	1,639	2,800	93	161	
Subdivisional Magistrates specially empowered under section 485, Criminal Procedure Code.	..	...	...	...	...	...	
Total ...	2,620	4,389	2,379	3,947	241	442	

The necessity of vigilance is imperative where there are few appeals against many convictions.

It is very gratifying to me to notice the increased attention which District Magistrates and Sessions Judges are paying to this important duty, 2,620 cases having been called for in revision in 1887 as compared with 1,669 cases in 1886.

Last year has been a time of trial for all the officers of the Irrawaddy and Pegu divisions. Nevertheless those officers examined twice as many cases in revision as were examined by the officers of the Akyab and Tenasserim divisions.

I give below the names of those who have been most attentive to this duty—

Name of officer.	Cases examined.
Major C. A. Cresswell	249
Dr W. deCourcy Ireland	214
Mr A. R. Birks	194
Mr. F S. Copleston	186
Mr. A M B. Irwin	171

The following officers have done next to nothing in revision :—

District Magistrate.	Cases.
Henzada	8
Sandoway	17
Tavoy	21
Mergui	24
Moulmein	40
Kyaukpyu	43

I know that the District Magistrate of Henzada has been occupied with much judicial business. I am not able to put forward this excuse for the others.

26. The financial result of the rules regulating the fees chargeable for the service of processes and the remuneration of peons is shown in the following table :—

Division.	Name of district.	Number of processes issued.	Receipts from process fees.	Charges. Salaries of process-serving establishment.	Charges. Contingencies, &c.	Remarks.
			Rs. A. P.	Rs. A. P.	Rs. A. P.	
Arakan.	Akyab	2,870	1,903 0 0	2,093 11 0	608 10 0	
	Kyaukpyu	965	658 0 0	490 0 0	82 13 0	
	Sandoway	412	280 0 0	264 0 0	.....	
	Northern Arakan	11	.....	288 0 0	229 15 9	
	Total ...	4,258	2,841 0 0	3,135 11 0	921 6 9	
Pegu.	Hanthawaddy	1,375	991 8 0	492 0 0	21 7 6	
	Pegu	2,892	1,217 8 0	1,008 0 0	.....	
	Tharrawaddy	939	699 8 0	651 14 0	29 0 0	
	Prome	3,071	2,128 0 0	1,884 0 0	.....	
	Total ...	8,277	5,036 8 0	4,035 14 0	50 7 6	
Irrawaddy.	Henzada	3,578	2,996 8 0	2,976 0 0	.....	
	Bassein	3,705	2,646 8 0	1,682 5 8	0 12 0	
	Thôngwa	3,858	2,755 9 0	1,152 0 0	83 11 6	
	Thayetmyo	1,131	797 0 0	528 0 0	34 1 6	
	Total ...	12,272	9,195 9 0	6,338 5 8	118 9 0	
Tenasserim.	Amherst	2,171	1,527 8 0	531 6 0	18 9 0	
	Shwegyin	...	938 0 0	779 0 0	.....	
	Toungoo	1,886	852 8 0	981 0 0	2,747 12 3	
	Tavoy	649	484 8 0	312 0 0	.....	
	Mergui	530	325 8 0	168 0 0	.....	
	Salween	116	73 0 0	.....	.....	
	Moulmein	2,150	1,695 0 0	1,572 0 0	31 12 0	
	Total ...	6,952	5,896 0 0	4,343 6 0	2,798 1 3	
	Grand Total ...	31,759	22,969 1 0	17,853 4 8	3,888 8 6	

In the districts of Akyab, Northern Arakan, and Toungoo the expenditure has exceeded the receipts. In all other districts there is a surplus. The necessary orders have been made to reduce expenditure in the three districts named. I shall revise the establishments where there is a surplus, and I have asked District Officers if their establishments are sufficient.

27. *Inspection.*—The following officers have done excellent work in inspection during the year :—

Colonel C. W. Street. | Mr. A. M. B. Irwin.
Mr. A. R. Birks.

Good work has been done by the following officers :—

Mr. R. A. Lamb. | Mr. D. Norton.
Mr. F. S. Copleston. | Major C. A. Cresswell.

Next to no inspection work has been done by the District Magistrates of—

Kyaukpyu; | Henzada;
Sandoway; | Moulmein;
Hanthawaddy; | Shwegyin;
Tharrawaddy; | Toungoo;
Thôngwa; | Tavoy;
Mergui.

During the year I visited the following districts :—

Moulmein.	Akyab (twice).
Amherst.	Kyaukpyu.
Thayetmyo.	Henzada.
Tavoy.	Prome.
Pegu.	Tharrawaddy.

Toungoo.

In all 35 Courts were inspected, full notes being made and communicated to officers concerned. Rules have been framed for the orderly arrangement of records in trial and process files; rules have also been framed for the despatch of records to district record-rooms. The duties of the record-room keepers have been accurately laid down and the employment of these officers on business outside the record-rooms has been strictly prohibited.

The record-room registers have been simplified. Rules have been introduced, under the sanction of the Government of India, for the destruction of useless records. Some progress has been made throughout the province in the sorting and destruction of records under these rules.

With the sanction of the Chief Commissioner the register of previous convictions, which has hitherto been imperfectly maintained in every Court, has been closed, and in place of it one register for each district, to be kept in the district record-room, has been introduced. The judicial registers of accounts have been revised and simplified, and it has been found possible to reduce their number from nine to two. All the criminal forms have been revised and brought into accord with the Criminal Procedure Code.

28. I have been in charge of the office throughout the year.

W. F. MERES,

Officiating Judicial Commissioner, Lower Burma.

RANGOON :
The 18th April 1888.

APPENDICES.

JUDICIAL STATEMENT No. 1 (CRIMINAL).

Showing the Number of Judicial Divisions and the Number of Officers exercising Appellate or Original Jurisdiction in Lower Burma on the last day of the year 1887 with the cost of Tribunals.

Name of province.			Area.	Population.	Number of divisions for Courts under Chief Court but superior to Chief Courts of districts.	Number of districts.	Number of sub-districts	Total number of officers exercising original or appellate jurisdiction: Judges of Chief Court of province.	Judges of other Courts superior to chief District Courts	Judges of Chief Courts of districts	Judges of districts other than Chief Courts	Judges of other Subordinate Courts.	Total number of cases decided: Original. Regular.	Original. Miscellaneous.	Appeal. Regular.	Appeal. Miscellaneous.	Total receipts of the Courts.	Total charges of the Courts.
1			2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
			sq. m.														Rs A. P	Rs. A. P
LOWER BURMA.	Territory subject to the High Court.	Civil ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
		Criminal ...	87,220	3,736,771	6	20	35	3	6	19	63	114	40,619	499	3,516	3,771	3,44,841 7 11	6,38,186 4 10
		Revenue .	...	...	..	...	...	...	...	...	...	...	..	...	...	..	...	...
	Territory not subject to the High Court.	Civil ...	...	...	...	...	...	...	...	...	...	...	...	..	...	...	...	...
		Criminal ...	...	...	...	...	...	...	..	...	...	...	...	...	...	...	...	...
		Revenue .	...	...	...	..	...	...	...	...	...	...	...	...	...	...	...	...
	Total ...		87,220	3,736,771	6	20	35	3	6	19	63	114	40,619	499	3,516	3,771	3,44,841 7 11	6,38,186 4 10

Remarks: Grades of Judicial Officers	Europeans	Natives	
Judicial Commissioner ...	1	.	Officers exercising both original and appellate jurisdiction.
Recorder of Rangoon	1	.	
Additional Recorder	1	.	
Sessions Judges	4	..	
Additional Sessions Judges ...	1	1	
Judge of Moulmein	4	...	
District Magistrates	20	..	
Assistant Commissioners ...	13	1	Officers exercising original jurisdiction only.
Extra Assistant Commissioners	4	23	
Myooks	4	85	
Cantonment Magistrates ...	3	...	
Special Magistrates	1	1	
Honorary Magistrates ..	1	69	

JUDICIAL STATEMENT No. 2 (CRIMINAL).

Showing Offences Reported, Persons Tried, Convicted, and Acquitted of each Class of Offence in Lower Burma in the year 1887.

Description of offence.	Number of offences reported.	Number of cases returned as true.	Number of cases brought to trial during the year.	Number of persons: Under trial during the year, including those from previous year.	Acquitted or discharged.	Convicted.	Died, escaped, or transferred to another province.	Remaining under trial.	Remarks.
1	2	3	4	5	6	7	8	9	10
Offences against the State, Chapter VI of the Indian Penal Code	15	14	11	34	16	17	...	1	
Offences relating to the Army and Navy, Chapter VII	1	1	..	...	...	...	...	...	
Offences against the public tranquillity, Chapter VIII	299	287	292	1,427	431	957	4	35	
Offences by, or relating to, public servants, Chapter IX	256	240	229	330	166	130	15	19	
Contempts of the lawful authority of public servants, Chapter X	249	245	253	460	177	272	9	2	
False evidence and offences against public justice, Chapter XI	799	769	748	1,079	447	592	19	21	
Offences relating to coin and Government stamps, Chapter XII	44	42	40	47	23	24	...	...	
Offences relating to weights and measures, Chapter XIII	25	25	21	53	12	40	..	1	
Offences affecting the public health, safety, convenience, decency, and morals, Chapter XIV ...	1,697	1,591	1,461	2,736	773	1,943	4	16	
Offences relating to religion, Chapter XV	35	32	36	78	48	28	...	2	
Offences affecting the human body, Chapter XVI. — Offences affecting life	325	304	267	358	159	147	9	43	
Cause of miscarriage, injuries to unborn children, exposure of infants, and the concealment of births.	10	9	6	8	4	4	...	...	
Hurt	2,493	2,306	2,203	3,481	1,906	1,453	11	111	
Wrongful restraint and wrongful confinement	137	121	112	250	160	87	..	3	
Criminal force and assault	3,525	3,237	3,268	5,328	3,241	1,985	9	93	
Kidnapping, forcible abduction, slavery, and forced labour	142	121	105	151	115	31	...	5	
Rape	160	124	98	101	62	35	...	4	
Unnatural offence	16	15	13	14	8	4	..	2	
Offences against property, Chapter XVII. — Theft	10,753	9,940	5,696	7,149	2,737	4,271	11	130	
Extortion	106	94	103	201	112	80	4	5	
Robbery and dacoity	2,150	2,056	1,081	2,883	1,177	1,496	32	178	
Criminal misappropriation of property	216	177	166	252	133	115	..	4	
Criminal breach of trust	365	322	303	333	175	146	...	12	
Receiving of stolen property	481	451	412	693	230	393	...	10	
Cheating	272	247	238	316	163	136	6	11	
Fraudulent deeds and disposition of property	11	9	10	14	12	2	..	...	
Mischief	765	618	550	1,028	663	339	1	25	
Criminal trespass	1,833	1,599	1,252	1,843	1,059	760	2	22	
Offences relating to documents and to trade or property-marks, Chapter XVIII	42	43	43	41	31	10	.	.	
Criminal breach of contracts of service, Chapter XIX	12	12	12	25	14	9	..	2	
Offences relating to marriage, Chapter XX	226	194	198	245	203	23	2	15	
Defamation, Chapter XXI	127	113	128	176	125	48	..	3	
Criminal intimidation, insult, and annoyance, Chapter XXII	2,319	2,064	2,039	2,765	1,830	894	2	39	
Offences under special and local laws	19,472	19,094	19,022	30,499	6,890	23,228	52	329	
Total ...	49,382	46,516	40,416	64,336	23,302	39,699	192	1,143	

Judicial Statement No. 2A (Criminal).

Showing the General Result of the Trial of European British Subjects in Lower Burma in the year 1887.

Description of offence.	Number of persons accused and brought before a Magistrate. Beginning at the close of the previous year.	Within the year. On complaint, section 191 (a), Criminal Procedure Code.	On police report, section 191 (b) of the Code.	By Magistrate *suo motu*, section 191 (c) of the Code.	On transfer from another province.	Total.	Died, escaped, or transferred to other provinces.	Number actually brought to trial.	Persons whose cases were disposed of. By District Magistrates and other 1st class Magistrates. Received by transfer under section 451B of the Code.	Convicted.	Acquitted or discharged.	Committed. To Court of Sessions.	To High Court.	Transferred by order under section 451B of the Code.	Total, omitting entries in columns 10 and 15.	By Courts of Session. Received by transfer under section 451B of the Code.	Convicted.	Acquitted or discharged.	Transferred to High Court under section 449 of the Code.	Total, exclusive of column 17.	By High Court. Convicted.	Acquitted.	Total.	Total for all Courts. Convicted.	Acquitted or discharged.	Total.	Number of persons under trial at the close of the year.	Number of cases. Brought to trial.	Disposed of.	Pending.	Number of persons who applied to the High Court for an order under section 436 of the Code.	Of those entered in column 5, number who applied under section 2, Act III of 1881, for transfer or committal of their cases.	Number of persons who applied to the High Court under section 526 of the Code for the transfer of their cases.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34
Offences against the State, Chapter VI of the Indian Penal Code	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences relating to the Army and Navy, Chapter VII	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences against the public tranquillity, Chapter VIII	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences by, or relating to, public servants, Chapter IX	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Contempts of the lawful authority of public servants, Chapter X	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
False evidence and offences against public justice, Chapter XI	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences relating to coin and Government stamps, Chapter XII	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences relating to weights and measures, Chapter XIII	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences affecting the public health, safety, convenience decency, and morals, Chapter XIV	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences relating to religion, Chapter XV	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Offences affecting the human body, Chapter XVI. Offences affecting life	...	...	6	1	...	7	...	7	...	...	...	...	7	...	7	...	...	...	...	...	1	4	5	1	4	5	...	7	7	...	...	...	...
Causing of miscarriage, injuries to unborn children, exposure of infants and the concealment of births	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Hurt	...	32	5	...	...	37	...	37	...	13	24	...	...	...	37	...	...	...	...	...	...	...	...	13	24	37	...	22	22	...	...	...	...
Wrongful restraint and wrongful confinement	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Criminal force and assault	...	23	3	...	...	26	...	26	...	12	14	...	...	...	26	...	...	...	...	...	...	...	...	12	14	26	...	20	20	...	...	...	...
Kidnapping, forcible abduction, slavery, and forced labour	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Rape	...	1	...	...	...	1	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	1	...	...	...
Unnatural offence	...	...	2	...	...	2	...	2	...	...	...	...	2	...	2	...	...	...	...	...	...	1	1	...	1	1	...	2	2	...	...	...	...
Offences against property, Chapter XVII. Theft	...	...	16	...	...	16	...	16	...	2	10	...	4	...	16	...	...	...	...	...	4	...	4	6	10	16	...	13	13	...	...	...	...
Extortion	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Robbery and dacoity	...	...	1	...	...	1	...	1	...	1	...	...	...	...	1	...	...	...	...	...	...	...	...	1	...	1	...	1	1	...	...	...	...
Criminal misappropriation of property	...	1	1	...	...	2	...	2	...	1	1	...	...	...	2	...	...	...	...	...	...	...	...	1	1	2	...	2	2	...	...	...	...
Criminal breach of trust	...	1	...	...	...	1	...	1	...	...	1	...	...	...	1	...	...	...	...	...	...	...	...	...	1	1	...	1	1	...	...	...	...
Receiving of stolen property	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Cheating	...	1	...	...	...	1	...	1	...	...	1	...	...	...	1	...	...	...	...	...	...	...	...	...	1	1	...	1	1	...	...	...	...
Fraudulent deeds and disposition of property	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Mischief	...	1	2	...	...	3	...	3	...	1	1	1	...	...	3	1	...	1	...	1	...	...	...	1	2	3	...	3	3	...	...	...	...
Criminal trespass	...	2	...	...	...	2	...	2	...	2	...	...	...	...	2	...	...	...	...	...	...	...	...	2	...	2	...	2	2	...	...	...	...
Offences relating to documents and to trade or property-marks, Chapter XVIII	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Criminal breach of contracts of service, Chapter XIX	...	2	...	...	...	2	...	2	...	...	...	...	...	...	2	...	...	...	...	...	...	...	...	2	...	2	...	1	1	...	...	...	...
Offences relating to marriage, Chapter XX	...	3	...	...	...	3	...	3	...	1	2	...	...	...	3	...	...	...	...	...	...	...	...	1	2	3	...	3	3	...	...	...	...
Defamation, Chapter XXI	...	3	...	...	...	3	...	3	...	2	1	...	...	...	3	...	...	...	...	...	...	...	...	2	1	3	...	2	2	...	...	...	...
Criminal intimidation, insult, and annoyance, Chapter XXII	...	117	...	...	...	117	...	117	...	111	6	...	...	...	117	...	...	...	...	...	...	...	...	111	6	117	...	88	88	...	...	...	...
Offences under special and local laws	...	48	309	...	...	357	...	357	...	328	29	...	...	...	357	...	...	...	...	...	...	...	...	328	29	357	...	298	298	...	...	...	...
Total	...	235	345	1	...	581	...	581	...	476	90	1	13	...	580	1	...	1	...	1	5	5	10	481	96	577	1	467	466	1	...	...	...

Subsidiary table.

Description of offence.	35. Of the total number of persons shown in Column 16. Number who claimed to be tried by a mixed jury, section 451A (1) of the Code.	Number who did not so claim.	Number of those in column 35 (1) whose cases were transferred under section 451B of the Code.	Column 21. Number who claimed a mixed number of assessors, section 451 (2) of the Code.	Number who did not so claim.	Columns 21 and 24. Number who claimed to be tried by a mixed jury, section 451 (1) of the Code.	Number who did not so claim.	36. Of cases shown in column 30. Disposed of by Magistrates. Being European British subjects.	Other than European British subjects.	Disposed of by Sessions Judges. Being European British subjects.	Other than European British subjects.
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
Offences against property, Chapter XVII. Theft	1	578	1	...	...	...	...	455		11	...

JUDICIAL STATEMENT No. 3 (CRIMINAL).

Showing Miscellaneous Proceedings under the Criminal Procedure Code in Lower Burma during 1887.

Nature of proceedings	Total number of cases before the Courts during the year.	Number of persons concerned.	Number of persons discharged.	Number of persons convicted.	Remarks.
1	2	3	4	5	6
1.—Proceedings against witnesses under Chapter VI C and section 485	1	1	1	...	
2.—Proceedings under Chapter VIII to prevent breach of the peace	69	137	56	81	
3.—Security for good behaviour under Chapter VIII	3,437	3,574	933	2,576	60 persons and 56 cases pending. 2 persons in 2 cases escaped. 3 persons and 3 cases referred.
4.—Proceedings against local nuisances, Chapter X	6	16	14	2	
5.—Possession, Chapter XII	17	7	6	1	
6.—Frivolous or vexatious complaints summarily dealt with under Chapter XX, section 250.	63	34	13	21	
7.—Non-attendance of Jurors or Assessors, Chapter XXIII	8	10	.	10	
8.—Maintenance, Chapter XXXVI	225	226	105	121	
9.—Forfeiture of bail or recognizance under Chapter XLII	151	284	87	186	11 persons and 4 cases pending.
Total ...	3,977	4,289	1,215	2,998	71 persons and 60 cases pending. 2 persons in 2 cases escaped. 3 persons and 3 cases referred

JUDICIAL STATEMENT No. 4 (CRIMINAL).

Showing the General Result of Criminal Trials in the Tribunals of various Classes in Lower Burma in the year 1887.

Class of Tribunal.	Total number of persons under trial.	Persons whose cases were disposed of.					Persons remaining under trial at the end of the year.	Number of cases disposed of during the year.	Average number of days during which each case lasted.	Number of witnesses examined.	Remarks.
		Died, escaped, or transferred to another province.	Discharged or acquitted.	Convicted. On regular trial.	Convicted. On summary trial.	Committed or referred.					
1	2	3	4	5	6	7	8	9	10	11	12
Village Officers	...	...	...	...	...	...	...	...	...	...	
Subordinate Magistrates ... — Special Magistrates under section ...	1,209	...	224	436	538	5	6	845	2·	1,873	
Subordinate Magistrates ... — Honorary Magistrates sitting singly ...	...	...	...	...	...	...	...	...	...	...	
Subordinate Magistrates ... — Stipendiary Magistrates sitting singly ...	48,010	157	17,407	21,434	6,404	1,747	861	29,116	5·	91,817	
Subordinate Magistrates ... — Benches of Magistrates	9,809	...	3,284	2,006	4,470	3	46	6,229	3·	6,320	
District and Divisional Magistrates' cases referred under section 349, Criminal Procedure Code.	1,454	16	365	902	77	63	31	915	7·	...	
Chief Magistrates of Districts	4,638	9	1,678	1,887	441	529	94	2,616	7·	15,898	
Courts of Sessions	1,573	12	369	1,041	...	40	106	644	38·	4,136	In two cases commitments of five persons were quashed.
Superior Courts	73*	1	11	55	...	...	5	52	26·	80	* One new trial ordered.
Total ...	66,766	195	23,338	27,761	11,930	2,387	1,149	40,617	7·	120,124	

JUDICIAL STATEMENT No. 5 (CRIMINAL).

Showing the Punishments Inflicted by the various Criminal Tribunals in Lower Burma in the year 1887.

Class of Tribunal.	PERSONS SENTENCED TO										DETAIL OF PUNISHMENTS.																
				IMPRISONMENT.							FINE.									IMPRISONMENT.					WHIPPED.			
	Death.	Transportation.	Penal servitude.	Rigorous.	Simple.	Forfeiture of property.	Fine.	Whipping.	Persons ordered to find or give security or recognizance to keep the peace or sureties for good behaviour.	Persons imprisoned in default of security for good behaviour.	Rs. 10 and under.	Rs. 50 and under.	Rs. 100 and under.	Rs. 500 and under.	Rs. 1,000 and under.	Above Rs. 1,000.	Total amount of fines imposed during the year.	Total amount of fines realized during the year.	Amount paid by way of compensation.	Fifteen days and under.	Six months and under.	Two years and under.	Seven years and under.	Above seven years.	Ten stripes and under.	Twenty stripes and under.	Thirty stripes and under.	Number of boys whose sentences were commuted to detention in a reformatory school.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
																	Rs. A. P.	Rs. A. P.	Rs. A. P.									
Village Officers	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	.....	.....	.....	...	...	...	...	...	...	...	...	...
Subordinate Magistrates. Special Magistrates under section 14 ...	...	...	...	30	33	...	895	10	...	...	739	147	8	1	...	...	7,967 11 0	7,185 13 0	336 8 0	30	33	...	...	...	7	...	3	...
Subordinate Magistrates. Honorary Magistrates sitting singly ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	.....	.....	.....	...	...	...	...	...	...	...	...	...
Subordinate Magistrates. Stipendiary Magistrates sitting singly ...	...	170	...	5,598	284	...	19,317	1,309	2,231	1,305	12,706	5,715	669	217	10	...	3,08,562 9 11	2,49,554 1 7	29,848 6 11	690	4,650	1,778	105	4	244	724	341	5
Subordinate Magistrates. Benches of Magistrates	...	...	...	37	4	...	6,423	13	...	...	6,144	276	3	...	...	...	19,333 12 0	18,886 0 3	1,173 11 3	18	23	...	...	...	7	6	...	...
District and Divisional Magistrates' cases referred under section 347, Criminal Procedure Code ...	...	...	...	446	...	...	71	106	28	24	4	54	8	5	...	...	4,364 0 0	998 12 6	60 0 0	...	127	316	25	...	9	46	51	...
Chief Magistrates of Districts	...	236	8	1,214	31	4	857	106	392	181	467	323	39	25	3	...	30,190 3 0	21,677 13 9	708 0 0	68	408	431	454	8	24	20	62	3
Courts of Sessions. ...	1	546	...	391*	3	2	16	12	67	62	...	3	7	5	...	1	3,790 0 0	410 0 0	.....	...	19	75	339	28	...	1	11	2
Superior Courts	38	13	...	4	...	...	...	...	...	...	...	...	...	...	...	...	.....	.....	.....	...	4	...	...	...	...	...	...	1†
Total ...	39	965	8	7,729	355	6	27,579	1,556	2,718	1,572	20,060	6,518	734	253	13	1	3,74,208 3 11	2,98,712 9 1	32,126 10 2	815	5,264	2,602	923	40	291	797	466	11

* Two penalties inflicted on each of five persons.

† Sentenced to seven years' detention in a reformatory.

JUDICIAL STATEMENT No. 5A (CRIMINAL).

PART I.

Showing the Whippings Inflicted under Sections 2 and 3, Act VI of 1864, in lieu of other Punishments in Lower Burma for the year 1887.

Offences for which awarded.		Number of stripes awarded.												Total.	Remarks.
		5 and under.		6 to 10.		11 to 15.		16 to 20.		21 to 25.		26 to 30.			
		First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.	First conviction.	Second or subsequent conviction.		
1		2	3	4	5	6	7	8	9	10	11	12	13	14	15
In lieu of other punishments (sections 2 and 3, Act VI of 1864)—															
1—Theft, as defined in	section 309, I. P. C.	...	...	...	...	...	1	...	...	...	...	...	...	1	
	section 353, do.	...	...	...	...	...	...	...	...	...	...	1	...	1	
	section 378, do.	6	...	74	2	76	2	127	1	15	3	56	3	365	
	section 379, do.	3	...	24	..	26	4	51	1	11	...	27	1	148	
	section 380, do.	2	...	126	2	133	15	214	4	44	...	92	6	638	
	section 381, do.	...	...	5	...	7	1	7	...	1	...	3	...	24	
	section 363, do.	1	...	...	...	...	...	...	...	...	...	...	...	1	
	section 392, do.	...	...	...	...	...	...	...	...	...	...	1	...	1	
2.—Extortion, as defined in	section 388, do.	...	...	...	...	...	...	...	...	...	...	2	...	2	
	section 400, do.	...	...	...	...	...	...	1	...	...	...	1	...	2	
3.—Dishonestly receiving stolen property, as defined in	section 411, do.	...	...	1	...	3	1	15	...	4	.	8	...	32	
	section 457, do.	...	...	...	...	2	...	...	...	...	...	...	...	2	
4.—Lurking house-trespass, as defined in,	section 285, do.	...	...	...	...	...	...	1	...	...	...	...	...	1	
	section 395, do.	...	...	...	...	...	...	...	...	...	...	2	...	2	
5.—Lurking house-trespass by night, as defined in	section 324, do.	...	...	...	...	1	...	...	...	...	...	...	...	1	
	section 457, do.	...	...	...	...	...	...	...	...	...	...	10	...	10	
6.—Housebreaking, as defined in section 447, I. P. C.		...	...	...	...	1	...	...	...	...	...	...	...	1	
7.—Housebreaking by night, as defined in.	section 446, do.	...	...	1	...	2	1	2	...	...	...	2	...	8	
	section 453, do.	...	...	...	...	...	...	...	...	2	...	...	...	2	
	section 456, do.	...	...	...	...	...	...	...	...	...	...	1	...	1	
8.—Offence under section 14, Act III, 1880.		...	...	...	...	...	...	...	...	...	...	3	...	3	
Total ...		12	...	231	4	251	25	418	6	77	3	209	10	1,246	

PART II.

Statement showing the Whippings Inflicted in addition to other Punishments, Sections 3 and 4, Act VI of 1864, in Lower Burma for the year 1887.

Offences for which awarded.		Number of stripes.						Total	Remarks.
		5 and under.	6 to 10.	11 to 15.	16 to 20.	21 to 25.	26 to 30.		
1		2	3	4	5	6	7	8	9
In addition to other punishments (sections 3 and 4).—									
A.—Section 3.									
1.—Theft, as defined in	section 378, I. P. C. ...	...	...	4	8	1	20	33	
	section 379, do. ...	...	...	1	11	1	30	43	
	section 380, do. ...	...	4	10	29	12	68	123	
	section 381, do. ...	...	...	...	...	...	5	5	
2.—Extortion, as defined in	section 388, do. ...	...	...	...	...	...	...	...	
	section 389, do. ...	...	...	...	...	...	...	...	
Carried over ...		...	4	15	48	14	123	204	

PART II.

Statement showing the Whippings Inflicted in addition to other Punishments, Sections 3 and 4, Act VI of 1864, in Lower Burma for the year 1887—(concluded).

Offences for which awarded.		Number of stripes. 5 and under.	6 to 10.	11 to 15.	16 to 20.	21 to 25.	26 to 30.	Total.	Remarks
1		2	3	4	5	6	7	8	9
	Brought forward ..	.	4	15	48	14	123	204	
Criminal breach of trust	section 408, I P C ..	.	..	...	..	...	1	1	
3 —Dishonestly receiving stolen property, as defined in	section 411, do ..	..	...	3	1	1	6	11	
	section 412, do	.	..	...		...		...	
4 - Lurking house-trespass, as defined in	section 443, do	...	.	..	...	...		...	
5 —Lurking house-trespass by night, as defined in	section 444, do .	...	..	..			..	...	
6.—Housebreaking, as defined in	section 445, do .	...	...	.	.	...	.	..	
7 —Housebreaking by night, as defined in	section 446, do .	.	..		..	..	...	..	
8 —Offence under	section 14, Act III, 1880 .	...	.	...	...	...	...	...	
House-trespass by night in order to commit theft	section 456, .	...	...	...	...	1	...	1	
B —Section 4.									
1 —False evidence, as defined in	section 193, I. P C ..	..	...	...	..	...		.	
	section 194, do ..	...		...	..	...	...	...	
	section 195, do .	..	..	...	..	...	...	...	
2 —False charge of unnatural offence, as defined in	section 211, do. .	..		.	..	...	..	...	
	and 377, do ..								
3.—Assault, as defined in	section 354, do. ...	.	...	...	...	...	.	...	
4 —Rape, as defined in	section 375, do ..	.	...	..	..	...	...	...	
5.—Unnatural offence, as defined in .	section 377, do ...		...	...	...	...	.	..	
6 —Robbery, as defined in	section 390, do ..	...	...	...	..	...	..	..	
7 —Dacoity, as defined in .	section 391, do ..	..	...	..	...	...	..	.	
8.—Attempt at robbery, as defined in	section 395, do. ...	..	..	...	1	...	3	4	
9 —Hurt in committing robbery, as defined in	section 395, do. ...	..	...	...	...	..	2	2	
10.—Receiving stolen property, as defined in	section 413, do. ...	.	..	..	...	..	.	..	
11 —Forgery, as defined in	section 463, do.	..	..	...	...	...	...	...	
	section 466, do ..	..	.		...	...	..	...	
	section 467, do ...	...		.	...	...	...	...	
	section 468, do	...	..	..	...	...	...	...	
	section 469, do ..	..	...	..	...		...		
12 —Lurking house-trespass, as defined in	section 443, do ..	...	1	...			1	2	
13 —Lurking house-trespass by night, as defined in	section 444, do ..	..	...	.					
14 —Housebreaking, as defined in ...	section 445, do. ..	..	...	...	..	...	...	...	
15 —Housebreaking by night, as defined in	section 457, do	.	3		1	...	2	6	
	Total ...	...	8	18	51	16	138	231	

PART III.

Statement showing Whippings Inflicted under Section 5, Act VI of 1864, on Juveniles for Offences other than those specified in Parts I and II in Lower Burma for the year 1887.

Offences.	Stripes.												Total.	Remarks.
	5 and under.		6 to 10.		11 to 15.		16 to 20.		21 to 25.		26 to 30.			
	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.	First conviction.	Subsequent conviction.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Section 193, I. P. C.	...	...	1	...	...	...	...	...	...	...	...	...	1	
Do. 224, do.	...	...	...	...	...	...	2	...	...	...	...	...	2	
Do. 251, do.	...	...	1	...	...	...	...	...	...	...	...	...	1	
Do. 279, do.	...	...	1	...	...	...	...	...	...	...	...	...	1	
Do. 323, do.	...	...	...	...	1	...	...	...	...	...	...	...	1	
Do. 324, do.	...	...	3	...	...	...	1	...	...	...	...	...	4	
Do. 325, do.	...	...	...	...	...	...	...	...	1	...	...	...	1	
Do. 354, do. and ... ... / Do. 5, Act VI of 1864	...	...	2	...	...	...	...	...	...	...	...	...	2	
Do. 376, I. P. C. ...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Do. 379, &c., do.	1	...	17	6	14	...	7	...	1	...	7	...	53	
Do. 380, do.	...	...	2	...	1	...	1	...	...	...	...	...	4	
Do. 400, do.	...	...	...	...	...	...	...	...	...	...	6	...	6	
Do. 414, do.	...	...	...	...	1	...	...	...	...	...	...	...	1	
Do. 448, do.	2	...	...	...	...	...	...	...	...	...	...	...	2	
Do. 456, do.	...	...	...	...	...	...	...	...	...	...	...	...	...	
Do. 511, do.	...	...	...	...	...	...	...	...	...	...	...	...	...	
Railway Act, IV of 1879	...	...	...	...	...	...	...	...	...	...	...	...	...	
Total ...	3	...	27	6	17	...	11	...	2	...	13	...	79	

PART IV.

Statement showing relative Number of times Whipping was awarded as compared with other Punishments in Lower Burma for the year 1887.

Punishments.	Number.	Remarks.
1	2	3
Total number of whippings awarded	1,556	
Total number of other punishments	38,094	
	39,650	
Percentage of Whippings ...	3·92	

JUDICIAL STATEMENT No. 6 (CRIMINAL).

Showing the Result of Appeal and Revision in Criminal Cases in Lower Burma in the year 1887.

Class of Tribunal	Number of persons: Total number of appellants and applicants for revision before the Courts	Died, escaped, or transferred to another province	Appeals or applications rejected	Sentence or order confirmed	Sentence enhanced	Sentence reduced or otherwise altered	Sentence reversed	Proceedings quashed	New trial or further enquiry ordered	Referred for revision to the High Court	Pending trial	Average number of days during which each appeal lasted	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13	14
Appeals													
To Chief Magistrates of districts	686	..	68	452	..	151	186	.	6	...	25	7	
To Courts of Sessions	2,353	..	1,294	529	...	144	268	1	20	5	92	19	
To Superior Courts: by persons convicted	1,663	1	684	401	.	131	339	.	27	...	60	32	* One dismissed One acquittal, set aside, and accused sentenced to six weeks.
To Superior Courts: by Government from judgments of acquittal	4*	..	...	...	.	..	..	.	..	..	2	.	
Total	4,906	1	2,046	1,382	.	426	793	1	53	5	199	21	
Revision.													
By Chief Magistrates of districts	3,047	.	315	2,262	..	1	31	3	15	251	169	9	
By Courts of Sessions	1,428	.	270	630	...	.	2	..	16	229	281	25	
By Superior Courts	3,159	.	..	1,477	18	442	308	.	19		895	83	
Total	7,634	.	585	4,369	18	443	341	3	50	480	1,345	36	
GRAND TOTAL	12,542	1	2,631	5,751	18	869	1,134	4	103	485	1,544	28	

JUDICIAL STATEMENT No. 13 (CRIMINAL).

Showing use of Jurors and Assessors in the Criminal Courts in Lower Burma in the year 1887.

Classes of Courts in which jurors or assessors are employed.		Established or average number of jury or assessors in each case, and prescribed qualifications.	Number of cases tried by jury.	Number of cases tried with assessors.	Cases in which the Judge approved of the verdict.	JURY TRIALS. Cases in which the Judge did not approve of the verdict. Wholly.	Partially.	Number of persons of the verdict, in respect to whom the Judge disapproved. Whose cases he referred under section 307, C. P. Code.	Whose cases he did not refer under section 307, C. P. Code.	ASSESSORS TRIALS. Number of cases in which Judge agreed with assessors.	Number of cases in which Judge differed from. One assessor.	Both assessors.	Remarks.
1		2	3	4	5	6	7	8	9	10	11	12	13
Criminal Courts.													
Magistrates' Courts under Chapter X, C. P. Code	Jurors ...	...	...	...	...	...	...	...	...	...	...	...	
Courts of Session	Jurors ...	5	60	...	60	...	...	...	...	...	...	...	In two cases commitments were quashed. One case was pending.
	Assessors	8	...	410	...	...	...	...	...	247	32	131	
High Court, Original Criminal Jurisdiction.	Jurors ...	...	7	...	7	...	...	...	...	...	...	...	
Total ...		...	67	410	67	...	...	...	...	247	32	131	